By Mr. BEERS: A bill (H. R. 8499) granting a pension to Elizabeth C. Pearson; to the Committee on Invalid Pensions.

By Mr. BULWINKLE: A bill (H. R. 8500) granting a pension to James M. Peterson; to the Committee on Pensions.

By Mr. BURDICK: A bill (H. R. 8501) to provide additional compensation for Frank J. Viti; to the Committee on Claims.

By Mr. DAVIS of Minnesota: A bill (H. R. 8502) authorizing the Secretary of War to donate to the village of Savage, State of Minnesota, two German cannons or fieldpieces; to the Committee on Military Affairs.

Also, a bill (H. R. 8503) authorizing the Secretary of War to donate to the city of Winthrop, State of Minnesota, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. DOWELL: A bill (H. R. 8504) granting an increase of pension to Martha A. McNeer; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 8505) for the relief of Capt. Norman D. Cota; to the Committee on Claims.

By Mr. KENDALL: A bill (H. R. 8506) granting a pension to Matilda Bittner; to the Committee on Pensions.

By Mr. LYON: A bill (H. R. 8507) authorizing the Secretary of War to make a survey of South River, N. C.; to the Committee on Rivers and Harbors.

By Mr. McKENZIE: A bill (H. R. 8508) for the relief of Luis Rosario and Jose M. Caballero; to the Committee on Military Affairs.

By Mr. MERRITT: A bill (H. R. 8509) granting an increase of pension to Lida M. Osborn; to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 8510) granting an increase of pension to Rachel L. Herbert; to the Committee on Invalid Pensions.

By Mr. SEARS of Nebraska: A bill (H. R. 8511) granting a pension to Mrs. John Petty; to the Committee on Invalid Pensions.

By Mr. SNELL: A bill (H. R. 8512) granting an increase of pension to Mary Longto; to the Committee on Invalid Pensions.

By Mr. WILLIAMS of Texas: A bill (H. R. 8513) for the relief of W. S. Wakeman; to the Committee on Claims.

Also, a bill (H. R. 8514) for the relief of J. I. Richardson; to the Committee on Claims.

By Mr. WILSON of Indiana: A bill (H. R. 8515) granting a pension to Della Elder; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8516) granting a pension to John S. Nixon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8517) granting an increase of pension to Elizabeth Stallings; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

2215. By the SPEAKER (by request): Petition of the American Legion, Department of Massachusetts, urging Congress to make adequate provision for the care, treatment, comfort, and entertainment of disabled veterans; to the Committee on World War Veterans' Legislation.

2216. By Mr. ANDREW: Petition of the executive committee of the Massachusetts Department of the American Legion, urging Congress to make full and adequate provision for the care, treatment, comfort, and entertainment of disabled veterans and orphan children of disabled veterans before making provision for foreign relief of any nature, with special reference to the German relief bill; to the Committee on Foreign Affairs.

2217. By Mr. ARNOLD: Petition of various citizens of Willow Hill, Ill., asking that the Johnson immigration bill be enacted into law; to the Committee on Immigration and Naturalization.

2218. By Mr. BARBOUR: Petition of residents of Tulare County, Calif., protesting against a modification of the Volstead Act and the recognizing of 2.75 per cent beer; to the Committee on the Judiciary.

2219. By Mr. GALLIVAN: Petition of Greater Boston Chapter, Military Order of the World War, Boston, Mass., condemning the action of the House of Representatives for passing an appropriation of $10,000,000 for the relief of German children; to the Committee on Foreign Affairs.

2220. By Mr. LINEBERGER: Petition of L. A. Sutton and others with reference to House bill 2702; to the Committee on Naval Affairs.

2221. By Mr. MORROW: Petition of Jugoslavija Lodge, Frank Lukancic, secretary, of Sugarite, N. Mex., opposing the present immigration proposals; to the Committee on Immigration and Naturalization.

2222. By Mr. PHILLIPS: Petition of Roundhead Camp, Sons of Veterans, No. 165, of Ellwood City, Pa., urging the immediate passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2223. Also, petition of Wampum Council, No. 181, Fraternal Patriotic Americans, of Wampum Pa., urging the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2224. Also, petition of Ellwood City Council, No. 182, Fraternal Patriotic Americans, of Ellwood City, Pa., urging the passage of the Johnson immigration bill; to the Committee on Immigration and Naturalization.

2225. By Mr. ROBINSON of Iowa: Petition of citizens of Dubuque, Iowa, advising support and enactment into law of the Johnson immigration bill, based on the census of 1890; to the Committee on Immigration and Naturalization.

2226. By Mr. ROUSE: Petition of citizens of Latonia and Covington, Kenton County, Ky., indorsing the immigration bill; to the Committee on Immigration and Naturalization.

2227. By Mr. SHALLENBERGER: Petition of citizens of Franklin County, Nebr., favoring House bill 4081; to the Committee on Foreign Affairs.

2228. By Mr. TINKHAM: Petition of the department executive committee of the American Legion, urging Congress to provide adequate comfort and entertainment for disabled veterans; to the Committee on World War Veterans' Legislation.

SENATE

TUESDAY, *April 8, 1924*

(*Legislative day of Monday, April 7, 1924*)

The Senate met at 12 o'clock m., on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Adams	Edwards	King	Shields
Ball	Fernald	Ladd	Shipstead
Bayard	Ferris	McCormick	Shortridge
Borah	Fess	McKellar	Simmons
Brandegee	Fletcher	McKinley	Smith
Broussard	Frazier	McNary	Smoot
Bruce	George	Mayfield	Spencer
Bursum	Gerry	Neely	Stanfield
Cameron	Glass	Norris	Stephens
Capper	Gooding	Oddie	Sterling
Caraway	Hale	Overman	Swanson
Colt	Harreld	Owen	Trammell
Copeland	Harris	Pepper	Underwood
Couzens	Harrison	Phipps	Wadsworth
Cummins	Heflin	Pittman	Walsh, Mass.
Curtis	Howell	Ralston	Walsh, Mont.
Dale	Johnson, Minn.	Ransdell	Warren
Dial	Jones, N. Mex.	Reed, Pa.	Watson
Dill	Kendrick	Robinson	Weller
Edge	Keyes	Sheppard	Willis

Mr. CURTIS. I wish to announce that the Senator from Wisconsin [Mr. LENROOT] is absent on account of illness.

I was requested to announce that the Senator from Iowa [Mr. BROOKHART], the Senator from Washington [Mr. JONES], the Senator from New Hampshire [Mr. MOSES], the Senator from Arizona [Mr. ASHURST], and the Senator from Montana [Mr. WHEELER] are attending a hearing before a special investigating committee of the Senate.

The PRESIDENT pro tempore. Eighty Senators have answered to their names. There is a quorum present.

ANNIVERSARY OF BIRTH OF NEAL DOW

Mr. FERNALD. Mr. President, I ask unanimous consent to have placed in the RECORD an address of the Hon. WESLEY L. JONES of Washington, delivered in Portland, Me., on Sunday, March 23, at the services in commemoration of the one hundred and twentieth anniversary of the birth of Neal Dow.

I ask to have printed also the letter of the Hon. Percival P. Baxter, Governor of Maine, which was read at this service.

In the RECORD of March 20 a letter appeared, addressed to Hon. WESLEY L. JONES, by Arthur C. Jackson, president of the Neal Dow Association for World Peace and Prohibition, and inviting the attention of Congress to the purposes of this organization as formulated in its brief constitution. The consti-

tution was inadvertently omitted, and I ask consent that it be printed in the RECORD at this time.

Few men have done more for the moral and material benefit of our Nation than General Dow. He was the pioneer of prohibition. Starting with the State law in Maine, the example set has been followed all over the country, until now the name of Neal Dow is a household word from the Atlantic to the Pacific. And it is eminently fitting that I should bring to your attention the admirable address of the distinguished Senator from the Pacific coast.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Maine? The Chair hears none, and it is so ordered.

The address and letters referred to are as follows:

ADDRESS OF SENATOR WESLEY L. JONES AT NEAL DOW MEMORIAL SERVICES AT PORTLAND, ME., SUNDAY, MARCH 23, 1924

The country is looking with apprehension upon the disclosures made in Washington City, but I bring you a message of hope and confidence. Your Government is sound; your representatives have not failed you. When the froth and the foam is blown out of the news that comes to you through the press you will see the truth, and it will dispel your fears and restore your faith. There are conditions that must be wiped out, but because one or two men are shown to have been unfaithful to their trust is no reason for you to lose your faith in all your public servants. You can count on the fingers of one hand all the Members of Congress who have gone wrong during the last 50 years, and you can count on the fingers of one hand and have some left the Cabinet officers who have been guilty of criminal acts since this Government was founded. The wonder is not that so many have gone wrong but that so few have done so. The vast majority of the representatives and of your public servants are honest, faithful, and patriotic, and true to the trust and confidence placed in them. While corruption must be exposed and wrongdoing punished, we can rejoice in the great wealth of the good and the true that insures the stability of our institutions and the perpetuity of our Government.

Many brilliant sons of Maine have left a lasting impress upon the life and legislation of their country. Great as many of them have been, none were greater than he whose birth we to-day celebrate. The cause he did so much to bring to fruition means more in the lives of our people than any other, unless it be the cause of free government and human liberty. Intemperance has wrecked more homes, blotted out more lives, broken more hearts, brought more sorrowful tears, filled more almshouses, insane asylums, and jails, caused more crime, sorrow, suffering, poverty, and distress in the world than war and pestilence, or any other evil thing.

Neal Dow fought this terrible thing and took his life in his hands to do it. Most courageously he devoted all his energy and ability to aid the brave men and heroic women who started the movement destined to overthrow this dreadful thing that has cursed humanity from the earliest dawn of time. His name is indelibly written on the pages of the history that records the carrying on of the struggle that led to the adoption of the eighteenth amendment to the Constitution of the United States. His birthday has become a day for universal rejoicing on the growth and triumph of prohibition and of thanksgiving for the blessings it is bringing to our people. We can best honor him by carrying on the fight for law enforcement and for law observance with the same energy, courage, and patriotic self-sacrifice that he showed. We must not deceive ourselves. Intemperance is not gone. Drinking is not done away with. The liquor traffic is not wiped out. The dragon that with head erect defiantly embraced humanity in its slimy coils has its head in the dust, held there by the clamp of the law, but its writhing form is still bringing sorrow and danger to our people. Its end is sure. Its fate is certain. In a generation if we do our duty its horrors will be but a memory to a people who have never seen an open saloon and whose children have not suffered from its damning influence.

They tell us that prohibition was slipped over during the war. That is a lie, and those who make this statement know it is a lie. Since the "Sixty-niners" met here in Portland, and before, the fight has been on not only in Maine but elsewhere. Literally inch by inch has progress been made. By a certain status under the law, this nefarious traffic stood upon its legal rights and used all its power to defeat restraint and to prevent prohibition. It has threatened, corrupted, and defied public officers to accomplish its ends. It has opposed every step of progress, and when taken has urged it as an objection to further advance.

We hear much to-day of the violation of the prohibition law. This is nothing new. This traffic has always been a lawbreaker. It has defied and violated all license laws, local option laws, and every regulatory measure. It defies and evades the law to-day just as it did in Neal Dow's time. An outlaw, it insists upon every possible right it may have under the law just as it did then.

Mr. Dow had a friend here in Portland. He was a man of fine attainments and capable of great possibilities, but he drank. He was failing financially, mentally, and physically, and he had made several efforts to reform. A so-called respectable saloon was near his place of business. He frequented it often. In the hope of helping him, Dow explained the situation to the saloon man and asked him not to sell liquor to him. The saloon man replied, "Mr. Dow, you attend to your business and I will look after mine. I am licensed to sell liquor and paid my money for the privilege. That money helps to pay your taxes and it is small business for you to try to prevent me from obtaining the business I have a right to under the law. If that man comes in here in a sober condition and asks for liquor, I have a legal right to sell it to him, and I shall do so, and I do not want you around here whining about it." That man stood on his legal rights. He sold liquor to this gentleman and he filled a drunkard's grave. That action, however, pierced the soul of Neal Dow and nerved him to devote his energy and very life to the extermination of the liquor traffic. Actions like this helped toward prohibition.

After trying licenses, local option, and county option, State after State adopted State-wide prohibition. National prohibition had been urged for years, but it was not until 33 States had adopted State-wide prohibition that Congress could be prevailed upon by a two-thirds vote to submit the constitutional amendment to the people. The action then was like that of the breaking of a great reservoir behind which flood waters had been held until the gathering mass could be held no longer. When Congress submitted the amendment the loosed public sentiment swept everything before it. In submitting the amendment we did what had never been done before—we fixed a time limit within which it must be ratified. This was done at the instance of those who opposed this amendment. They hoped to defeat it in this way, but in just a little over a year it was ratified by more than three-fourths of the States, and long before the time limit was up all the States of the Union except two had ratified it. Two stood like Ajax defying the lightning; two mighty Commonwealths proudly proclaimed their defiance of the Union and the Constitution—New Jersey and Rhode Island—and to this day the omnipotent State of Rhode Island has the proud distinction of having refused to ratify the eighteenth amendment.

That amendment is a part of the Constitution. It was put there after more discussion and consideration than was ever given to any other amendment or to the Constitution itself. It had behind it more mature, earnest, and determined public sentiment than was ever behind any other amendment. It outlaws the liquor traffic. No more can it hide behind the law to claim its rights or protect its acts. That amendment is in the Constitution, and there it will stay as long as this Nation exists. In the face of the facts it is ridiculous to say it was "slipped over."

There are certain organizations with fine-sounding titles that are not openly seeking to repeal the eighteenth amendment, but they urge the passage of laws that would violate it. They urge the election of Senators and Representatives who will aid their aims, and they will throw their influence to the man or party that they think will best serve their ends. They proclaim great victories after each election, but their votes in Congress get fewer and fewer. We have just had a vote in the Senate that is very significant on the ratification of a treaty intended to aid in the enforcement of the law. Only 7 votes were cast against it.

In the House of Representatives a bloc has been formed to press the passage of a bill that everyone knows violates the eighteenth amendment. Great headlines in certain papers call attention to this attempt and would lead the people to think that there is a great uprising among the people's representatives to repeal the Volstead Act. How many have joined this bloc? Half of the House? A third of the House? Out of a total membership of 435, only 58 have joined this Spartan band. Who are they and whence do they come? Twenty-two, or over one-third, come from the State of New York, and 20 of them come from the great city. Most of the others are from the larger cities of the country, where the most vicious elements in our population are. This element has an undue influence in elections and exerts an undue power over the choice of Representatives. It is an element that sticks together pretty well. The good element divides and so the vicious have an undue influence. The American people will not consent to be ruled by the elements in our large cities that thrive on and foster corruption. It may be necessary for us to divide clearly upon the lines of temperance and intemperance, upon law enforcement and lawbreaking. If we do, the result is certain. There are far more good people in this country than bad; there are more law-abiding people than lawbreakers, and the good will prevail.

Prohibition is an accepted fact, and it is now merged in the even greater question of law enforcement. Aye, even greater than that; it is merged in the question of observing, carrying out, and enforcing the plain mandate of a specific provision of the Constitution. This is not a party question. It is far above politics, and yet it is a matter political parties, organizations, and candidates should, and must, take note of. The attempts against the Constitution are so glaring and notorious, and the interests so powerful, that the people should see to it that political platforms do not stop with the general declarations for law

enforcement, but that they declare specifically for the enforcement of the prohibition law. I want to see the Republican convention so declare.

The Democratic convention will follow suit, and in this way those who want to favor the repeal or nullification of the eighteenth amendment to the Constitution will have to form a party of their own and openly stand for such a proposition and we can see how many they are and how far they can get. The fight for prohibition was a mole hill compared to the mountain they will have to climb to repeal the eighteenth amendment.

What we need now is observance of the law. It is being violated by many, and it is being violated by men and women of the higher walks of life who ought to set a better example of good citizenship. They have the money to pay the big prices. They seem to think it is the thing to do to show their independence and contempt for the law that infringes upon what they call their personal liberty. They justify the Bolshevist and the Anarchist and are doing more to undermine the Government than these two classes together. The humble workers of the land are not violating the law. They are not supporting the bootlegger. They are supporting their families. Men and women of the clubs and of the fashionable homes, who would resent being classed with criminals, are not only violating the laws of their country, but they are encouraging others to do so. We need more respect shown for the law by the so-called better class of our people. How can we expect the poor and the humble to obey laws and respect their Government when they see the rich and the powerful openly deriding the law? So-called society and clubs are doing much to undermine our citizenship. They are sowing the wind; they may bring the whirlwind.

We must have better law enforcement. Dishonest and corrupt men seek positions of honor and trust for personal gain. I have no doubt that many men unfriendly to prohibition have gotten on the enforcement force to discredit the law or enrich themselves. Senators and Representatives who are against prohibition have not been careful to recommend for appointment marshals, attorneys, and agents whose hearts are in the work.

Is it any wonder that law enforcement has broken down in New York when 20 or more of its representatives openly show their contempt for the law? Can there be any doubt of the kind of men they have recommended for appointment in the prohibition unit? We want men appointed to every Federal position who will earnestly carry out his oath of office. We want our Federal judges to impose penitentiary sentences, especially upon the rich and powerful violators of the law. Precinct, city, county, and State officials should aid and cooperate earnestly and faithfully with Federal officials. When this is done the battle will be over. The mayor of Philadelphia, the mayor of Chicago, and the Governor of Pennsylvania are setting an example to be followed by all.

The essence of patriotism is devotion to the Government. Devotion to the Government in time of peace is best shown by observance of the law. If every genuine citizen would faithfully observe the laws of his country, this would be a happy land. We would need but few enforcement officers, and crime would be rare. This would be especially true in regard to prohibition. The management of the Cleveland Hotel in Cleveland, Ohio, sets an example that every upstanding, law-observing man should follow. It put up the following notice in its lobby and rooms:

> "Any employee who is found to be selling, bartering, giving away, accepting orders for the sale of or handling liquor in any form, or even advising any guest where he may obtain liquor in any form, will be instantly discharged and turned over to the Federal authorities."

That is genuine Americanism. Let that spirit permeate all the hotels and every class of business and the bootlegger's occupation would be gone.

When General Foch came here he refused to have wine or liquor served, because he said he proposed to respect our laws; so did General Diaz, of Italy; and so did a representative of Japan. What a splendid example of respect for law! If these men show such respect for our laws, what should we do? Senators, Representatives, and officials of the Government and social leaders and representatives of business should delight in setting examples of law observance that the lowly and humble will be glad to follow.

I was talking to a bright, clear-eyed, earnest boy attending a great university here in the East. He said the majority of students of the school were against the prohibition law and that bootlegging was rampant. Why is it? These young men come from the so-called best homes of the land. They should be exemplars of all that is best in American life.

Instead of that they are setting an example of lawlessness that must eventually react upon themselves and the interests which they are supposed to represent. How can we explain their attitude? It can be done only upon the theory that in their homes there is the same disregard for the law which they show at school. This boy said the faculty of this school apparently gave no attention to the situation. They take no steps to lead the students to observe the law. Contrast this with the action in one of our western universities. The student body of the University of Arizona passed resolutions stating that any student found guilty, after proper investigation and hearing, of immorality or intoxication would be expelled, and that booze parties among the students should be prohibited. This matter was brought to the attention of the student body by President Marvin, of the university, and copies of these resolutions were posted on the campus. This will bring law observance. Such conduct makes good, law-observing citizens.

Why do the students of the eastern university resent the Volstead law? What excuse do they give? They say it takes away their personal liberty. That is the plea that has been made for years against every restraint in the interest of the public. Neal Dow tells of a drunken, boisterous fellow here in Portland who rushed out of a meeting where it was proposed that the temperance people line up on one side and the liquor people on the other crying, "Follow me for liberty." He fell into a slough of mud out of which he could not get without help. Personal liberty! It sounds good, but what is it? To the man who drinks it seems to be the right to do as he pleases, no matter what effect it may have upon others. He seems to think that he can take up all the sidewalk, drive his car as recklessly as he pleases, brutally assault his wife, starve his children, and defy the laws of his country. Personal liberty in this country is simply the right to do what the majority in a legally constitutional way has not prohibited. Nothing more! The constitutional majority has prohibited the use of intoxicating liquors as a beverage and no one's right of personal liberty is invaded any more than it is when the law says you shall not steal.

Some time ago the legislative assembly of a great State passed a resolution calling for the repeal of the Volstead Act and urging that the enforcement of the eighteenth amendment be left to the respective States. This is an amazing resolution and, when analyzed, one can not help thinking that its framers had little respect for the intelligence of the people.

This resolution asserts the purpose of our Government to be to insure domestic tranquillity and the blessings of liberty.

This is true, and in pursuance of that purpose the liquor traffic has been outlawed because it has been the chief disturber of domestic tranquillity.

It states that we were happy and contented because our people "were free to eat, drink, act, and worship as they chose so long as their conduct did not injure others."

We were not happy because we could drink intoxicating liquors. We learned many years ago that this very thing was the source of our greatest unhappiness. We have struggled for years to take much of our sorrow away by doing away with this kind of drinking. It can not be indulged in without causing injury to others. People are to-day as free to drink as they choose so long as such drinking does not injure them or others. The use of liquor reaches beyond the user to his family, his neighbors, his employer, his fellow worker, and to every social relation. Its use affects the purity of the home through the drinker's position as husband, father, son, or brother. It affects industry by decreasing efficiency, whether in the employer or employee. It affects health conditions by lowering the power of resistance to disease. It increases the menace of our streets by making possible alcoholized chauffeurs or drunken pedestrians, and it corrupts our political life and impairs our industrial life; and so it has been prohibited.

This resolution declares the Volstead Act to be a departure from the purposes of our Government.

On the contrary, it was passed to promote the very purposes of our Government. To repeal that act and refer enforcement of the eighteenth amendment to the various States would restore the very conditions that the eighteenth amendment was passed to meet.

It is said that the use of intoxicating liquor is admittedly "not harmful."

Those who want to use it may admit that it is not harmful, and yet their very appearance and its results refute this plea, and scientists insist that no alcohol minimum has been discovered which is so small that it is not harmful in a beverage if that beverage is consumed in quantity.

They plead for the exercise of the "inherent right of liberty in such a way as to injure no one."

No inherent right of liberty is taken away by the eighteenth amendment. It, in fact, protects the people in their inherent rights. There is no inherent right to get drunk or to deal in intoxicants. Pleas of inherent or personal liberty rights have been passed upon by our highest judicial authorities and rejected.

This resolution charges that the passage of the Volstead Act—

First. Has substituted hypocrisy for sincerity. Hypocrisy has been substituted for sincerity only among the advocates of its repeal who placed personal liberty, State rights, the need for industrial alcohol, failure in enforcement for which they are responsible, and who aid blind alleged temperance organizations that have their sole purposes the defeat of prohibition.

Second. Has promoted the spirit of religious intolerance. The only religious intolerance promoted by prohibition and its enforcement is the intolerance of Bachus, the god of drunkenness. No religious rights are interfered with in this law. No responsible officer of any church has complained that it is the victim of religious intolerance, and since prohibition the church has made almost unprecedented gains in its membership.

Third. Has greatly increased the burden of taxation.

This is not true. On the contrary, the burdens of taxation have been lowered through prohibition. The stimulation of business has enabled us to reduce our public debt at the rate of two or three million dollars per day. Saving deposits have been increased daily until they are about one-seventh of our national debt. Bankers, insurance men, realty operators, economists, and prominent labor leaders have attributed a great part of our prosperity to prohibition, and this prosperity makes it possible for us to pay the heavy taxes made necessary by the war. Roger Babson declares that the normal tendency of business would have been downward instead of upward if it had not been for prohibition. Richard Boeckel, a prominent labor writer, asserts that war-time prohibition closed one great avenue for wasteful expenditure of labor's earnings, and he asserts that the annual saving to the workers as a result of prohibition is estimated at $1,000,000,000. Nearly half of our appropriations have been returned to the Treasury in fines and forfeited bail.

Fourth. Has filled the country with poisonous liquor and concoctions, spreading disease, blindness, and death everywhere.

Illicit liquor may be as poisonous as declared, but liquor has always been poisonous. It does not, however, spread disease, blindness, and death. Only those who drink the poison physically feel its effects. Sickness and death have decreased greatly since prohibition and the drop in the death rate in four dry years is equivalent to the saving of 871,000 lives, and census figures show no increase in blindness as affirmed by these advocates of liquor.

Fifth. Has deprived the people of their sacred rights of trial by jury.

They know that this is false. Neither the eighteenth amendment nor the Volstead law interferes with trial by jury.

Sixth. Has taken from the people their right of local self-government.

It is silly to accuse the people of robbing themselves of self-government. Prohibition came by their will, expressed in the legal and orderly way laid down by the people themselves and after the most careful consideration. They can repeal it whenever they will and in the way they have prescribed.

Seventh. Has encouraged falsehood and deception by declaring beverages containing more than one-half of 1 per cent of alcohol intoxicating when leading doctors and scientists declare five times that amount is not intoxicating.

The falsehood is in this statement and not in the Volstead Act. No one can determine the particular percentage that will affect all drinkers alike, and intoxication does not mean staggering in drunkenness. The standard in the Volstead Act is adopted to prohibit intoxication and to aid in the enforcement of the eighteenth amendment. It was suggested and approved for many years by the brewers themselves in their efforts to prohibit illegal competition by soft-drink dealers. These experts in the liquor traffic declared that with a standard permitting alcohol contents in soft drinks higher than one-half of 1 per cent it would be imposible to enforce a license law and thus protect them in what they claimed to be their legal rights under the law. This standard urged by them to protect themselves from competition now protects the people from liquor dealers who seek persistently to violate the law. Some scientists and doctors who have prepared articles especially for the liquor interests may have declared that five times one-half of 1 per cent alcohol contents is not intoxicating, but the great majority of the doctors and scientists of the world have declared and do declare otherwise.

Eighth. Has deprived the sick of needed medicine and holds up to obloquy reputable physicians and druggists.

This is not so, and those who wrote this resolution know it is not so. The eighteenth amendment does not prohibit the use of liquor as a medicine. The Volstead Act does not prohibit its use as a medicine, and expressly provides methods by which it can be used as a medicine. It does prescribe a certain proceeding that is necessary to protect the public from violation of the law, and no honest, law-abiding doctor and druggist will complain at the provisions of this act, which are not aimed at him, but at those who seek to violate the law.

Ninth. Has filled the country with spies and searches homes of harmless individuals without right.

It is the duty of every good citizen to give information when the law is violated. We are citizens and not subjects, and every patriotic American is interested in the observance and supremacy of the law. Our laws express the will of the majority, and offended citizens give information when the laws of the land are broken not as spies but as patriots. No innocent man need fear either citizen or officer, and, if secret-service men are necessary in the enforcement of the law, it is solely because of the methods pursued by those who seek to violate it. If homes are illegally entered without a search warrant, the law provides a recourse against the guilty, but few, if any, homes of law-abiding people have been entered without a search warrant and severe penalties are imposed on those violating constitutional rights. These penalties are sufficient to protect the law-abiding citizens and comparatively few of them are complaining against the means provided for the enforcement of the law.

Eleventh. Has brought about a state of crime, disorder, discontent, unhappiness, and disrespect for law hitherto unknown to our institutions.

There is less crime, less disorder, less discontent, and less unhappiness to-day than before prohibition. The disrespect that is paid to this law is only on the part of those who desire to violate it. Crime records show, taking the country as a whole, that there is less crime to-day than before prohibition. The records show that since prohibition, even in times of strikes and industrial depressions, disorder has been far less than before prohibition. The happy and contented homes throughout the land to-day refute in no uncertain way the charge of discontent and unhappiness. W. S. Stone, president of the Brotherhood of Locomotive Engineers, one of the wisest, ablest, and best labor leaders in this country, meets several phases of this assertion in a clear, direct, and positive way. I quote from a letter of his dated March 28, 1922:

> "I look upon the manufacture and sale of liquor as the basis and foundation of 90 per cent of the crime and criminals we have in the country to-day.
>
> "In the study of the labor problems I find a marked improvement in the number of men who are saving their money and who own their own homes or are buying their homes, and I find a decided improvement in the home life of the workers due to the fact that the women and children have more food, more clothing, and better care in every way. Back of all that, the worker takes his family and goes to the picture show or to the park now, when he formerly spent his evenings in the saloon drinking and spending his money.
>
> "While it is true we have the illicit manufacture and sale of liquor, yet it is largely used by those of the leisure class, and it has the decided advantage of destroying many of these parasites, because much of the manufactured liquor of to-day is deadly poison. Liquor is also used and there is much drunkenness among the class of our young people who desire to believe, or make the world believe, that they are 'fast' or 'tough.'
>
> "Back of all that, I think I can truthfully say that drunkenness has decreased at least 75 per cent among the workers."

It is charged that intolerable conditions now exist as the result of the passage of the prohibition act. The only persons who find present conditions intolerable are alcoholic addicts who have not yet recovered from the habit of using intoxicants, or those who seek to profit financially by the sale of intoxicants. Those who prefer clear minds, sound bodies, full purses, prompt and efficient employees, and a prosperous business to a drop of liquor are quite contented with present conditions, except they want to see a more earnest and efficient enforcement of the law.

It is suggested that the only relief from these "intolerable conditions" is the repeal of the Volstead Act and to leave enforcement of the law to the respective States. This, if course, would please those who would violate the law and would be especially pleasing to those very few States where the most determined opposition comes to the enforcement of the eighteenth amendment. They might be able to nullify that amendment within the limits of their State and thus bring about the very condition that the eighteenth amendment sought to correct.

We resent attacks upon the rights of our citizens. We go to war and draft our man power and take our wealth and property for their defense. The liquor traffic attacks the Government. It brazenly tramples upon the law and defies the Nation. We boast of our ability to defeat any nation or power on earth. Are we going to humble ourselves before the liquor traffic and confess that we can not conquer it? It is fighting its last crucial battle. The liquor interests in the United States are not alone in this fight. We face the liquor interests of the world. These interests everywhere know that if this battle is lost it means the end of the traffic not only here but everywhere.

Lloyd-George says that "because it got prohibition" the United States got the most out of the war. Some time ago a great industrial leader of England warned his people that the efficiency of the sober labor of America would take their markets and trade away from them unless they have an equally sober labor. The struggle is coming on in Great Britain as it did here. They are adopting shorter hours for the saloon. They are beginning to vote on local option, and when industry begins to feel the economic effects of drunkenness then will the liquor traffic go there as here; and so it is that this traffic the world over knows that its very fate is involved in the battle here. It is bringing all its wealth, all its trickery, all its knavery, and all its power to prevent law enforcement in this country.

A survey recently made by the Coast Guard makes clear the consolidated power that is arrayed against the law. I quote from this survey the following:

"The mission of the enemy—the liquor traffic—is to make money. His motive is cupidity. His operations are carried on by a force limited only by opportunities to use it. His legal and technical advisers are persons of the highest skill, unhampered by principles of any kind. He employs seagoing people, some of desperate character, many of whom served in the allied armies and navies during the World War. These people are armed and will fight if there is a chance of advantage by so doing.

"Whenever possible, the enemy resorts to bribery to disorganize our forces. Our mission, the mission of the Government and the Coast Guard, is to make his operations profitless in order to deny him capital for further operations.

"His high seas' force at the present time consists of 34 steamers and 132 sailing vessels, ranging in size from 35 tons to 3,000 tons. Some of these vessels are capable of speeds up to 19 knots. The majority of them fly foreign flags.

"His auxiliary craft for making shore contact consists of several gasoline-driven craft, about 30 per cent of which are good for 25 knots. Most of this force flies the American flag. Occasionally he has used aircraft during the past year.

"He maintains a bribery fund and has a shore organization for obtaining supplies, marketing contraband, and for the collection and dissemination of intelligence. He obtains his contraband from many ports in Great Britain, France, Germany, Spain, Canada, the Canadian Maritime Provinces, Habana, Santiago de Cuba, Jamaica, and Grand Cayman. He maintains advanced bases at St. Johns, Newfoundland; St. Pierre, Miquelon; the Azores Islands, Bermuda; and the Bahamas. His general operations are believed to be directed from New York, with offices of considerable authority in the Bahamas and Nova Scotia. At Yarmouth, Nova Scotia, a large corporation has just formed with M. M. Gardner as secretary. Reports indicate that the new firm intends to engage in smuggling on a large scale.

"Intelligence is transmitted between his forces afloat and ashore by dispatches in codes and ciphers, and by couriers when extreme secrecy is necessary. Liaison between New York and Europe is not believed to be complete, but is fairly well established. The so-called 'Rum Row' off New York is maintained ostensibly as a good business proposition, but principally as a diversion to hold to that point the attention of as many of the Coast Guard vessels as possible.

"Companies are now being formed in Europe and elsewhere to enter this trade. An instance will illustrate: On December 21 an official cable was received from London which, in substance, read as follows (paraphrased to protect cipher):

"'As a fourth project, Sir Broderick Haipwell is about to send to the United States another liquor-carrying steamship. He promises to investors a profit of 20 per cent.'"

Will we let it succeed? Will we cringe and cower abjectly before this evil interest and confess that we have met a foe we can not conquer? I do not think so. American pride, American courage, American devotion to the right, and American patriotism will nerve us for the conflict and bring us victory, and in the end bring prohibition to the world. All that is needed of men and money for this conflict must and will be given.

We have just passed a measure through the House and the Senate providing for the temporary increase in the Coast Guard and the transfer of some fast boats from the Navy to be used in preventing liquor being brought into this country by the sea. We have appropriated over $12,000,000 for the conditioning of these boats and for operating them. We will provide more if necessary. Personally I would like to see the Navy used in this work, acting under instructions to shoot to sink and kill. Nothing more effective could be done to break the "rum row" which so defiantly stands off our coast.

The day of world victory may be far in the future, but it is coming, and just as sure as the years roll round and good prevails we will never repeal the eighteenth amendment. Let us take inspiration and courage from the long, conscientious, and faithful work of Neal Dow and resist this evil influence with all the power necessary to destroy it. By so doing we will serve our country, serve humanity, and serve generations yet to come.

I am told that steps are being taken looking to the placing of a statue to General Dow in our National Hall of Fame in the Capitol at Washington City. It is not for me to tell you what to do. You are rich in those whom you would delight to honor and who well deserve the greatest honor you can bestow upon them, but if you should decide to honor General Dow by placing his statue in our National Hall of Fame, the hearts of millions of citizens outside of your State will rejoice.

Letter of Governor Baxter read at the Neal Dow memorial services at Portland, Me., Sunday, March 23, 1924, held under the joint auspices of the Music Commission and Church Federation of Portland and South Portland:

"General Dow was the outstanding pioneer in the temperance cause. He was fearless, able, and had a vision far ahead of his contemporaries. The benefits that have accrued to humanity from the crusade started by General Dow can never be accurately measured or adequately appreciated. They are world-wide. His life is an example to succeeding generations and shows what one individual can accomplish for the welfare of his fellow men.

"PERCIVAL P. BAXTER,
"Governor of Maine."

CONSTITUTION OF THE NEAL DOW ASSOCIATION FOR WORLD PEACE AND PROHIBITION

If what promotes the development and permanence of civilization is best worth recording as final history, then as long as history shall endure will the name of Neal Dow be known as one of the greatest benefactors of the human race.

Now that the dream of the author of the Maine law and prohibition approaches reality in North America, and the deadliest enemy of man has been outlawed by the Constitution of our country, what can be more appropriate than for his native State and native land to unite with other States and nations for a world-wide recognition and consummation of his work?

For such purpose, on this anniversary of his birth, the Neal Dow Association for World Peace and Prohibition is organized this 20th day of March, 1923, at Portland, Me., and the following constitution adopted and officers elected:

"ARTICLE 1. This organization shall be known as the Neal Dow Association for World Peace and Prohibition.

"ART. 2. Anyone, anywhere, may become a member regardless of age, sex, race, or religion by signing this constitution and pledging for the period of their connection with the association personal total abstinence and an earnest endeavor to secure the complete prohibition in every State and nation of every form of production and traffic in intoxicating beverages, to the end that peace and prosperity may become more abundantly the common lot of all.

"ART. 3. The officers of the association shall be a president, vice president, secretary, and treasurer, who shall be elected quadrennially at Portland, Me., and the next election shall be March 20, 1927. All members may vote in person or by proxy, and those present and voting shall constitute a quorum. These officers shall constitute the board of directors of the association and shall fill all vacancies. The president may name honorary presidents, patrons, or members and call special meetings at any time or place.

"ART. 4. There shall be no fees or dues of any kind, the work of the association in all lands to be accomplished wholly by personal service and voluntary contributions.

"ART. 5. This constitution may be amended only by a unanimous vote at a meeting called by the president for such purpose or by a three-fourths vote at a quadrennial meeting."

ARTHUR C. JACKSON,
President.

JAMES PEERIGO,
Vice President.

Rev. FRANK E. BALDWIN,
Secretary.

REGULATION OF "INVISIBLE GOVERNMENT."

Mr. CARAWAY. Mr. President, I ask unanimous consent to have printed in the RECORD an article prepared by the Senator from Tennessee [Mr. MCKELLAR] on the question of lobbying.

The PRESIDENT pro tempore. Is there objection? The Chair hears none. The article will be printed as requested.

The article is as follows:

[From the New York Times, Sunday, March 9, 1924]

AGAIN THE LOBBY BECOMES NATIONAL ISSUE—SENATOR MCKELLAR BELIEVES REGULATION OF "INVISIBLE GOVERNMENT" IS NOW AN URGENT NECESSITY AND PROPOSES PUBLICITY AS THE REMEDY—NUMBER OF LOBBYISTS IN CAPITAL GROWING STEADILY

The Teapot Dome and Elk Hills sensations, the Veterans' Bureau scandal, and the charges involving Attorney General Daugherty have slowed up legislation in the Sixty-eighth Congress. Official as well as unofficial Washington has come very near losing contact with the real work of Congress. But there is one exception, the Washington lobby, called by some "the invisible government." Never was it in better working order.

Next week Senator MCKELLAR, of Tennessee, will introduce a bill in the Senate the purpose of which will be to regulate the lobbyist.

In the article that follows he discusses the lobby and indicates the vast power it has become in matters of national legislation and national investigations.

(By KENNETH MCKELLAR, United States Senator from Tennessee)

There is no man in Congress who remembers when the lobbyist first came to Washington. The lobbyists were here long before the Civil War, and to-day they are more numerous than ever. Lobbying is now an institution. In some cases it is almost an art, and in practically all instances it is a well-organized, smoothly working machine. The proof of this statement is to be found in the corridors of the National Capitol, in the Senate and House Office Buildings, in the lobbies of hotels, in clubs, in private homes, and in apartments.

A lobbyist is defined by the dictionary as one who seeks personally to influence members of a legislative body. More accurately, a lobbyist may be defined as one whose occupation is for hire to influence legislation. Of course, not everyone who appears and seeks to influence legislation personally is a lobbylist. Anyone whose business or whose individual interest is affected by proposed legislation has the legal and moral right to come here—to Washington—to tell his story and state his contentions to Congress or any committee thereof, and to consult with his Representatives. It is only where a person's occupation or avocation for pay is to influence legislation that such a person is properly called a lobbyist.

THE TRAINED PERSUADER

In the old days the lobbyist was a "good fellow," whose work was personal, and whose approaches were of the "slap you on the back" kind, a fluent story teller and a fine entertainer. To-day lobbying is a profession and the lobbyist might properly be described as "a trained persuader," a man or woman who can put up a good argument, one who is never out of touch with the Congress, who is always on guard to see to it that the particular interest or interests he or she represents is not caught napping. The lobbyist of to-day is to be found in splendid office suites; in numerous instances he has a trained staff of men and women to assist him, and his financial backing is generally believed to be almost without limit. The combined salaries of the lobbyists in Washington have been estimated as greater than that of all the men and the one woman who occupy seats in the Sixty-eighth Congress.

Again, and apart from lobbying, what is known in Washington as "influence" is not always "social" in origin. Take the Teapot Dome investigation and the startling disclosures brought to light by the Senate committee. Certain prominent persons caught in the Teapot Dome-Elk Hills net are to this very hour seeking by every influence they can bring to bear to escape from the trap in which they find themselves.

Edward L. Doheny, the lender, or, perhaps more accurately, the giver of the $100,000 to Fall, is to-day, with the aid of a press agent, carrying on a campaign the object of which is to justify before the country his dealings with Fall and Denby; and if he succeeds, to that extent the investigation of which he is a central figure will have been a failure.

Again the McLean telegrams were read into the record of the committee last week by Senator WALSH of Montana. In those messages is to be found the story of how McLean and his representatives sought the intervention of Senators UNDERWOOD and CURTIS in the desperate effort that was made to keep McLean off the witness stand. Subsequent testimony before the committee proved how useless was the attempt. Likewise, those who are in touch with the investigation know of the efforts made to influence Mr. WALSH. That all such efforts failed signally is everywhere known in Washington.

OPERATION OF "INFLUENCE"

Another instance of the operation of "influence," this time political in nature, was had a few days ago when the nomination of Walter Cohen, a negro, came before the Senate committee for confirmation as collector of customs at New Orleans. Every negro organization in the country appeared to have been concerned in the battle to confirm Cohen. When the voting to confirm or reject Cohen was going on in the executive session of the Senate, a delegation, including some of the leading negro Republicans of the country, awaited the news in the corridors outside the Chamber. They lost the battle, and having lost it they are giving the Republicans some sleepless hours, for even the Old Guard concedes the G. O. P. will need all the colored votes it can get in the November election.

At this moment one of the busiest lobbies in Washington is the farm lobby. There is none better organized and few are more ably led than are the unified organizations which represent agriculture. And what is true of agriculture is equally true of labor, while the manufacturers of the country speak through the association that bears their name. Other great interests are always awake and ready to meet every issue involving legislation as it comes up. And so the list continues indefinitely—the Anti-Saloon League, the Philippines Independence Commission, organizations that seek the repeal or the modification of the Volstead Act, the fertilizer organizations, the American Institute of Packers, groups seeking to influence the foreign relations of the country, groups whose activities involve immigration, and so on.

How many lobbyists are there in Washington? No man knows. Nearly all great special interests and many of the smaller special interests have them here. The purpose of this article is not to criticize individuals who may be lobbyists but to tell of their existence and the extent of their operations and the effect upon legislation.

WHOM THE LOBBYISTS REPRESENT

There are lobbyists for the sugar interests, for the steel interests, for the wool interests, for the tobacco interests, for the fertilizer interests, for the cotton manufacturers' interests, for prohibition and antiprohibition, for postal employees, for labor organizations, for railroads, for civil-service employees, the equal rights of women, for the bonus, for those opposed to the bonus, for the Mellon plan of tax reduction, for the farmers' organizations, for the shipping interests, for Henry Ford's acquisition of Muscle Shoals, for the water-power trust, for the packers, for the oil interests, for the disabled ex-service men, for the manufacturers, for the Army, for the Navy, for national aid to education, and many other special interests. Washington is honeycombed with lobbyists; the hotels are full of them.

When a tariff bill is being considered lobbyists are so numerous that it is difficult for those who are not lobbyists to get hotel rooms in the city. Every lobbyist has a liberal expense account and of course is a desirable guest for a hotel. It makes no difference whether Democratic or Republican administration is making tariff schedules, tariff lobbyists are on the job.

It is true that in Democratic régimes they are naturally not so numerous, as they do not expect additions to the tariff, but they are here to prevent, if possible, the taking off of duties on favored interests. Every effort is made by them, in the first place, to prevent tampering with the high duties imposed during Republican administrations. In the next place, every effort is put forth to see that the reductions made are as small as possible.

In Republican régimes they are here to get the duties raised to the highest limit possible and prohibitory rates whenever that end can be accomplished. When the Fordney-McCumber tariff bill was before the Congress in 1921, the lobbyists were so thick that they were constantly falling over one another. There was scarcely a manufactured article or raw product that did not have a special lobby here. They made life a burden to the members of the committee having tariff duties in charge, and, indeed, practically all Senators and Representatives. They saw members of the committee in their homes, the hotels, on the streets, in the reception rooms of the Senate and the House—whenever and wherever they could find a member of that committee.

LOBBY'S GREATEST ACHIEVEMENT

I have seen the corridors leading to the Finance Committee room of the Senate so filled with them that it was almost impossible for an outside Senator to get to the committee room, and barely possible to get in it. Every lobbyist was armed with an amendment granting a special benefit to his own favored interest, and in that particular contest usually got it. That law placed the highest tariff on the statute books that was ever placed there. It has been estimated that it places a tax burden of $600,000,000 on the people for the benefit of the Government, and at the same time an additional tax burden on the people of five times that much, or $3,000,000,000, for the benefit of special interests which succeeded in having the duties imposed or raised.

The Fordney-McCumber law was perhaps the greatest achievement ever accomplished by any lobby in Washington. The representatives of the interests virtually fixed their own rates. It was their greatest opportunity, and it was not neglected. It was the most stupendous legalized robbery of the people ever authorized, and the lobbies of the interests were, in my judgment, more powerful in accomplishing the results than were the representatives of the people. It is common knowledge among those who know what was going on here that ex-Senator Lippett, of Rhode Island, had a big part in fixing the cotton schedule and that Mr. Littauer, of New York, helped make the glove rates.

The oil interests have for many years had a lobby here. They keep it here, some seeking oil leases, others seeking to prevent unfavorable legislation. The frightful result of the invisible government was never more aptly shown than by the recent developments in the oil disclosures. It was no accident, and it was not the result of a patriotic desire to protect and build up the Navy of the United States, that within 30 days after Secretary Fall and Secretary Denby had become members of President Harding's Cabinet they were busy making leases of the naval oil reserves to the oil interests. No one believes that.

THE NAVAL OIL LEASES

On the contrary the naval oil leases were the direct result of the ever active, ever vigilant, ever scheming invisible government. Apparently it has gone on so long and so successfully that it is almost being considered honorable. Almost immediately after evidence was adduced

naming Doheny and Sinclair, articles appeared giving the stories of the lives of both Doheny and Sinclair and telling of their marvelous successes. It is to be noted that any criticisms uttered by these individuals and their publicity organizations receive the widest publicity.

Of course, all oil interests are not crooked, and for this very reason the honest oil industry of America owes it to itself and to the country to do away with its invisible government here in Washington and conduct its mighty business honestly and aboveboard and in the full light of publicity.

The attempted ship-subsidy coup of last year was another battle with the invisible government. The shipping interests had their representatives here, fighting every moment of the time to secure yearly bounties from the Government through its taxation of the people. It was a bald and bold attempt of the shipping interests, by means of its lobby here in Washington, first to take over the American merchant marine for comparatively nothing, and then have the Government pay these shipping interests for running this merchant marine, even though some of the shipping interests had contractual relations to serve foreign governments first. That this raid of the shipping interests on the Treasury failed was not due to the lack of energy, industry, or activity on the part of the lobby here.

Even the Mellon plan of tax reduction, fostered by the administration, has its lobby and it adopted a new plan. That was for representatives here or in New York to send out to the various States requests to allied interests to see that letters were written to Representatives and Senators and telegrams sent to them. Representatives and Senators received thousands of letters, the most of them being in the same words. It was probably the greatest propaganda that ever took place in favor of any bill ever proposed in the Congress. The propaganda was not confined to individuals. Newspapers and magazines took it up. The taxpayer was told that if he favored tax reduction he must be for the Mellon plan. Thousands of letters, innumerable newspaper articles, and editorials and magazine articles were predicated upon this assumption, namely, that if one opposed the Mellon plan he must be opposed to tax reduction.

THE "WET" AND "DRY" FIGHTERS

The lobbyists for prohibition and antiprohibition have long been with the Congress. The liquor interests had a lobby here first, of course, and for a long time it was a powerful and effective lobby, and when the wave of prohibition struck the country prohibition leaders ordered a counter lobby in Washington, and they organized one and it has been active ever since. It is in fine working order up to this hour. The liquor lobby is not so much in evidence but it is still here. It will be recalled that in President Grant's administration scandals almost approaching the present oil scandals came out as to the whisky ring cases of that period. It was but another evidence of invisible government.

The manufacturers have perhaps been longer represented in the lobbying game here than any other industry. Everybody remembers the National Association of Manufacturers and the Mulhall exposures of 1913. Since that time the manufacturers have not been so much in the public eye, but that does not mean that their representatives are not here in season and out of season. The first fruits of tariff and revenue legislation usually fall to manufacturers. Here, again, the power of the lobby is mighty.

It took a considerable time for labor organizations to get into the lobbying game. Capital was strongly entrenched here in the way of lobbyists long before the laboring men became represented; but a number of years ago labor likewise perfected its various organizations, and now nearly all of them have representatives here looking out for the interests of labor. They have organizations almost as strong as the capitalistic organizations. If there is any doubt about it, the records of the Interstate Commerce Committees of both House and Senate will show the accuracy of these statements.

OTHER REPRESENTED ORGANIZATIONS

The farmers, like the other laboring people, were more dilatory than any other group in perfecting their organizations and having representatives here. For a long time their organizations were haphazard and their representation was sporadic, but in recent years they, too, have formed strong organizations, and they are steadily on the job. It should be said that the farmers as a class can perhaps be benefited less by legislation in their favor than any other class. On the other hand, legislation for certain other favored classes raising the cost on all that the farmers have to buy is very injurious to them. While late in getting into the lobbying game, the farm organizations have recently made very rapid strides.

All civil-service employees now have organizations and have representatives of those organizations here. They are exceedingly active. Up to 1912 postal employees were not even allowed to communicate personally or by letter with Members of Congress. This was due to regulations of the department forbidding them. The law of that year, however, gave them the right to organize and to communicate with Members of Congress. They availed themselves of that benefit immediately, and they are now one of the strongest organizations in the country. Under their organization their salaries were largely increased in 1920 and their representatives are now asking for another large increase at this time.

The railroads, likewise, have always maintained a lobby here. The passage of the Esch-Cummins Transportation Act in 1920 illustrated the power of this lobby. While that act was called the Esch-Cummins Act, everybody understood that it was very largely an act that had been suggested by those representing the railroad executives. Some changes were made in it, of course, by the Congress, but it passed very much as approved by the railroad lobby. It is still being defended from attack by that same lobby, though, of course, there are many high-class representative men, both in and out of Congress, who sincerely believe it is a good law.

Like the labor people and the farmers, the women were long unrepresented in Washington. In comparatively recent years, however, they began a systematic organization and placed representatives here. These representatives point to the passage of the equal suffrage amendment as their first great victory. Since that time they point to the maternity bill as another. They are demanding equal rights and have able and efficient representatives always on the job.

The ex-service men have various organizations. There is an organization for disabled ex-service men, the American Legion, and various other soldier organizations. They all are active and vigorous. Those who favor the bonus are very active, and likewise those who are against the bonus.

MUSCLE SHOALS CONTROVERSY

Invisible government has perhaps not been more active in any direction, except in tariff and revenue matters, than it has been in the Muscle Shoals disposition question. Those who have favored the leasing of the Muscle Shoals plant to Henry Ford have had a lobby here for several years. It has been a very vigorous, active, and persistent lobby. On the other hand, the water-power interests, the fertilizer interests, the manufacturers' and other allied interests have had their representatives of invisible government very busy, so far as Muscle Shoals is concerned, and fighting Ford to the last ditch.

The five big packers, and perhaps some of the small ones, have long had lobbies in Washington. They have always been on the job looking after these interests and guarding them against unfavorable legislation. It is claimed they contribute to both political parties and that it is difficult to obtain legislation to which they are opposed. For a long time they prevented any legislation to which they did not agree.

Perhaps one of the most effective results of invisible government has been the defeat of all legislation affecting the coal interests. Up to date they have prevented any interference, and the American people are still paying enormous prices for coal when they should not do so. For three years Congress has been trying to regulate coal in the interest of the consumers. Bills have been introduced looking to this end. Yet, up to the present moment, no legislation has passed Congress and there is no prospect that it will do so at this session.

PERSONAL APPEALS DISCARDED

Personal appeals to Representatives and Senators by the lobbyists appear to have been largely discarded. The method of attack now is for the representatives of any particular interest here, whenever that interest comes up in the House or Senate, to send out calls to the various States and have organizations there write and telegraph Senators and Representatives. A Senator's mail is probably more than half pure propaganda. This morning I received telegrams, special-delivery letters, and ordinary letters in reference to a hearing that is to take place before one of the committees. Fully one-half of my to-day's mail is about that particular matter.

Of course all Representatives and Senators welcome the views of their constituents about legislation where such views are the result of study and information or where they are the result of personal or State interest, but I venture to say that one-half of the letters that Representatives and Senators receive from their constituents are the results purely of propaganda emanating from the lobbyists in Washington.

I have merely given the facts as everybody knows them here, without arguing the merits or demerits of the various causes represented by them, with some exceptions. Most Senators and Representatives understand the position of lobbyists and act upon their conscientious convictions without regarding the claims of lobbyists. But one never knows when the insidious propaganda of invisible government is having its effect. That it does have effect in many instances is too patently true.

It will be recalled that in 1914 President Wilson, in a most sensational message, called the attention of Congress to the activities of invisible government. Investigations were had, hearings were held, bills were introduced, but in the end invisible government won and no bills became law, and lobbying, forgotten by the public, renewed its activities.

My own personal view is that Congress ought to pass a well-considered law providing rules and regulations by which lobbyists can

be registered and under which they may operate, and requiring the greatest publicity with respect to all lobbyists. Publicity is the best remedy.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the House had passed the following bills of the Senate:

S. 303. An act authorizing the conveyance of certain land to the city of Miles City, State of Montana, for park purposes;

S. 306. An act granting to the county of Custer, State of Montana, certain land in said county for use as a fairground;

S. 1339. An act to authorize the widening of Georgia Avenue between Fairmont Street and Gresham Place NW.;

S. 2146. An act to amend section 84 of the Penal Code of the United States;

S. 2147. An act to complete the construction of the Willow Creek ranger station, Montana;

S. 2164. An act to repeal that part of an act entitled "An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1912," approved March 4, 1911, relating to the admission of tick-infested cattle from Mexico into Texas;

S. 2332. An act granting the consent of Congress to the State of South Dakota for the construction of a bridge across the Missouri River between Hughes County and Stanley County, S. Dak.;

S. 2436. An act granting the consent of Congress to the Board of Supervisors of Leake County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

S. 2437. An act granting the consent of Congress to the Board of Supervisors of Leake County, Miss., to construct a bridge across the Pearl River in the State of Mississippi;

S. 2488. An act to authorize the city of Minneapolis, in the State of Minnesota, to construct a bridge across the Mississippi River in said city;

S. 2538. An act to revive and reenact the act entitled "An act authorizing the counties of Aiken, S. C., and Richmond, Ga., to construct a bridge across the Savannah River at or near Augusta, Ga.," approved August 7, 1919;

S. 2656. An act granting the consent of Congress to the construction of a bridge across the Mississippi River near and above the city of New Orleans, La.;

S. 2690. An act to transfer jurisdiction over a portion of the Fort Keogh Military Reservation, Mont., from the Department of the Interior to the United States Department of Agriculture for experiments in stock raising and growing of forage crops in connection therewith;

S. 2825. An act to extend the time for commencing and completing the construction of a bridge across Detroit River within or near the city limits of Detroit, Mich.; and

S. 2914. An act authorizing the construction of a bridge across the Ohio River approximately midway between the cities of Owensboro, Ky., and Rockport, Ind.

The message also announced that the House had passed the following bills, each with an amendment, in which it requested the concurrence of the Senate:

S. 1631. An act to authorize the deferring of payments of reclamation charges; and

S. 2686. An act to authorize the Federal Power Commission to amend permit No. 1, project No. 1, issued to the Dixie Power Co.

The message further announced that the House had passed the bill (S. 2597) to authorize the construction of a bridge across the Fox River in St. Charles Township, Kane County, Ill., with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolutions, in which it requested the concurrence of the Senate:

H. R. 162. An act to amend the act establishing the eastern judicial district of Oklahoma, to establish a term of the United States district court for the eastern judicial district of Oklahoma at Pauls Valley, Okla.;

H. R. 644. An act providing for the holding of the United States district and circuit courts at Poteau, Okla.;

H. R. 714. An act to amend section 101 of the Judicial Code;

H. R. 2665. An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River in the vicinity of One hundred and thirty-fourth Street, in the city of Chicago, county of Cook, State of Illinois;

H. R. 2713. An act to transfer certain lands of the United States from the Rocky Mountain National Park to the Colorado National Forest, Colo.;

H. R. 2811. An act to amend section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes";

H. R. 2882. An act to provide for the reservation of certain land in Utah as a school site for Ute Indians;

H. R. 2884. An act providing for the reservation of certain lands in Utah for certain bands of Paiute Indians;

H. R. 3511. An act to extend relief to the claimants in township 16 north, ranges 32 and 33 east, Montana meridian, Mont.;

H. R. 4445. An act to amend section 115 of the act of March 3, 1911, entitled "An act to codify, revise, and amend the laws relating to the judiciary";

H. R. 4460. An act authorizing payment to certain Red Lake Indians, out of the tribal trust funds, for garden plats surrendered for school-farm use;

H. R. 4494. An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the Fort Berthold Indian Reservation, N. Dak.;

H. R. 4835. An act to pay tuition of Indian children in public schools;

H. R. 4981. An act to authorize the Secretary of War to grant permission to the city of Philadelphia, Pa., to widen Haines Street in front of the national cemetery, Philadelphia, Pa.;

H. R. 4985. An act to repeal the first proviso of section 4 of an act to establish a national park in the Territory of Hawaii, approved August 1, 1916;

H. R. 5416. An act to authorize the setting aside of certain tribal lands within the Quinaielt Indian Reservation in Washington for lighthouse purposes;

H. R. 5573. An act granting certain public lands to the city of Shreveport, La., for reservoir purposes;

H. R. 6810. An act granting the consent of Congress to the Millersburg & Liverpool Bridge Corporation and its successors to construct a bridge across the Susquehanna River at Millersburg, Pa.;

H. R. 7063. An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River connecting the county of Carroll, Ill., and the county of Jackson, Iowa;

H. R. 7113. An act to establish a dairy bureau in the Department of Agriculture, and for other purposes;

H. R. 7399. An act to amend section 4 of the act entitled "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906;

H. R. 7846. An act to extend the time for the construction of a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa.;

H. R. 7913. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Creek Indians may have against the United States, and for other purposes;

H. R. 8050. An act to detach Reagan County, in the State of Texas, from the El Paso division of the western judicial district of Texas and attach said county to the San Angelo division of the northern judicial district of said State;

H. J. Res. 163. Joint resolution authorizing the Secretary of War to loan certain tents, cots, chairs, etc., to the executive committee of the United Confederate Veterans for use at the thirty-fourth annual reunion to be held at Memphis, Tenn., in June, 1924; and

H. J. Res. 195. Joint resolution authorizing an appropriation for the participation of the United States in two international conferences for the control of the traffic in habit-forming narcotic drugs.

PETITIONS AND MEMORIALS

Mr. LADD presented a resolution adopted at a meeting of the Grand Forks County Bankers' Association, at Grand Forks, N. Dak., favoring the passage of the so-called McNary-Haugen export corporation bill, which was referred to the Committee on Agriculture and Forestry.

Mr. FESS presented a memorial of sundry citizens of Fremont, Sandusky County, Ohio, remonstrating against the passage of legislation appropriating from the Federal Treasury $10,000,000 for the relief of the distressed and starving women and children of Germany, which was referred to the Committee on Foreign Relations.

He also presented the petition of the Cleveland (Ohio) Chamber of Commerce, praying for the passage of legislation granting increased compensation to postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution of the trustees of the Toledo (Ohio) Chamber of Commerce, protesting against the inclusion of a gift-tax provision in the pending tax reduction bill, which was referred to the Committee on Finance.

He also presented a resolution of the Akron (Ohio) Chamber of Commerce, favoring the passage of House bill 8091, amending section 28 of the merchant marine act, 1920, which was referred to the Committee on Interstate Commerce.

He also presented petitions, numerously signed, of sundry citizens of Athens and Crawford Counties, in the State of Ohio, praying for the passage of more restrictive immigration legislation, which were ordered to lie on the table.

Mr. WILLIS presented the petition of Clara V. Giese and 5 other citizens of Cincinnati, Ohio, praying that the air be kept free for the entertainment of radio listeners, which was referred to the Committee on Interstate Commerce.

He also presented the petition of W. W. Mills, president of the First National Bank, and sundry other citizens of Marietta, Ohio, praying for the passage of Senate Joint Resolution 4, proposing an amendment to the Constitution of the United States relative to the adoption of amendments thereto, which was referred to the Committee on the Judiciary.

He also presented a resolution of Klan No. 11, of the Invisible Empire, Knights of the Ku-Klux Klan, of Muskingum County, Ohio, favoring the passage of stringent immigration legislation, which was ordered to lie on the table.

He also presented petitions, numerously signed, by members of the congregations of sundry churches in the city of Columbus, Ohio, praying for the passage of restrictive immigration legislation, with quotas based on the census of 1890, or the passage of a 5-year immigration holiday bill, which were ordered to lie on the table.

He also presented a petition signed by over 1,000 citizens of Medina County, Ohio, praying for the passage of restrictive immigration legislation, which was ordered to lie on the table.

He also presented a petition signed by over 3,000 citizens of Columbus, Ohio, praying for the passage of restrictive immigration legislation, with quotas based on the 1890 census, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Toledo, Ohio, praying for the passage of drastically restrictive immigration legislation, with quotas based on the 1890 census, which was ordered to lie on the table.

Mr. CAPPER presented a memorial of sundry members of the Woman's Christian Temperance Union of Gem, Kans., remonstrating against the passage of legislation legalizing the manufacture and sale of beer, which was referred to the Committee on the Judiciary.

He also presented petitions of sundry citizens of Abilene, Wichita, and Parsons, in the State of Kansas, praying for the passage of the bill (S. 2600) to amend section 1 of an act entitled "An act to amend and consolidate the acts respecting copyright," approved March 4, 1909, which were referred to the Committee on Patents.

He also presented telegrams in the nature of petitions from the Mahaska Provisional Klan, of Mahaska; Klan No. 15, of Kiowa; and the W. O. K. K. K. of Protection, all of the Knights of the Ku-Klux Klan, in the State of Kansas, praying for the passage of drastically restrictive immigration legislation, which were ordered to lie on the table.

He also presented petitions, numerously signed, of sundry citizens of Morganville, Cherryvale, Kechi, Harveyville, Hutchinson, Larned, and of Reno and Barton Counties, all in the State of Kansas, praying for the passage of restrictive immigration legislation, with quotas based on the census of 1890, which were ordered to lie on the table.

Mr. JOHNSON of Minnesota presented the memorial of H. J. Moskop and 54 other citizens in the State of Minnesota, remonstrating against the passage of legislation creating a Federal department of education, which was referred to the Committee on Education and Labor.

He also presented the petition of John Kole and 35 other citizens of West Duluth, Minn., praying for the passage of legislation requiring that all strictly military supplies be manufactured in Government-owned navy yards and arsenals, etc., which was referred to the Committee on Military Affairs.

He also presented the petitions of Henry Peterson and 16 other citizens of Lind Township; of A. W. Roska and 32 other citizens; of H. L. Hanson and 30 other citizens of Fosston; of Math L. Kuhl and 38 other citizens of Freeport; and of W. L. Bates and 28 other citizens of Wells, all in the State of Minnesota, praying for the passage of the so-called McNary-Haugen export corporation bill, which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of C. O. Smith and 102 other citizens of Virginia, Minn., praying for the passage of restrictive immigration legislation, with quotas based on the census of 1890, which was ordered to lie on the table.

He also presented resolutions of Kvemtin Lodge, No. 125, of Hibbing; of Slavanska Druzen Lodge, No. 211, of Biwabik; of Smarnica Lodge, No. 338, of Virginia; and of Karol Liebknecht Lodge, No. 110, of Chisholm, all of the S. N. P. J., in the State of Minnesota, protesting against the passage of selective immigration legislation, and especially against the proposal to register, photograph, and fingerprint immigrants, etc., which were ordered to lie on the table.

INDEPENDENT OFFICES APPROPRIATION BILL

Mr. WARREN. Mr. President, from the Committee on Appropriations I report back favorably with amendments the bill (H. R. 8233) making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1925, and for other purposes, and I submit a report (No. 361) thereon. I give notice that I shall call up the bill for consideration to-morrow morning immediately after the conclusion of the routine business.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURSUM:

A bill (S. 3041) to provide for the storage of the waters of the Pecos River; to the Committee on Irrigation and Reclamation.

By Mr. WADSWORTH:

A bill (S. 3042) to make available an officer of the Army of appropriate grade for service in charge of public buildings and grounds in the District of Columbia and for the exercise of certain other functions; to the Committee on Military Affairs.

By Mr. SHIELDS:

A bill (S. 3043) granting a pension to Rettie Alexander;

A bill (S. 3044) granting a pension to John P. Gray; and

A bill (S. 3045) granting a pension to Fannie January; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3046) for the relief of David T. Howard; to the Committee on Claims.

By Mr. SHEPPARD:

A bill (S. 3047) authorizing joint investigations by the United States Geological Survey and the Bureau of Soils of the United States Department of Agriculture to determine the location and extent of potash deposits or occurrence in the United States and improved methods of recovering potash therefrom; to the Committee on Agriculture and Forestry.

By Mr. OWEN (by request):

A bill (S. 3048) authorizing the Wichita and Affiliated Bands of Indians in Oklahoma to submit claims to the Court of Claims; to the Committee on Indian Affairs.

By Mr. PEPPER:

A bill (S. 3049) relating to the examination of witnesses in suits in equity in the courts of the United States; to the Committee on the Judiciary.

FRED HURST

Mr. SMOOT. Mr. President, I ask that the Chair lay before the Senate the amendments of the House of Representatives to Senate bill 661.

The PRESIDENT pro tempore laid before the Senate the amendments of the House of Representatives to the bill (S. 661) for the relief of Charles Hurst, which were to strike out all after the enacting clause and insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Fred Hurst, of Salt Lake City, Utah, the sum of $1,000, in full settlement against the Government, as compensation for injuries sustained when run down by an Army motor ambulance November 12, 1918.

And to amend the title so as to read: "An act for the relief of Fred Hurst."

Mr. SMOOT. The amendment of the House of Representatives to the text of the bill merely corrects the name of the beneficiary, Mr. Hurst, changing the name from Charles Hurst to Fred Hurst. I move that the Senate concur in the amendments.

The motion was agreed to.

RESTRICTION OF IMMIGRATION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2576) to limit the immigration of aliens into the United States, and for other purposes.

The PRESIDENT pro tempore. The Senator from California [Mr. SHORTRIDGE] is entitled to the floor.

Mr. REED of Pennsylvania. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Pennsylvania?

Mr. SHORTRIDGE. I yield.

Mr. REED of Pennsylvania. I rise only to ask the attention of the Senate that there may appear in the CONGRESSIONAL RECORD a memorandum of the adoption of the amendment to the immigration bill which was under consideration yesterday. At page 5741 of the CONGRESSIONAL RECORD there should be, but there is not, a record of the adoption of the amendment relating to overtime. I find that the Journal correctly shows it and the Secretary's copy of the bill at the desk shows that the amendment was agreed to. I ask that there may be printed in the RECORD the entry in the Journal relating to the adoption of that amendment.

The PRESIDENT pro tempore. The Chair will state that the Journal of the Senate shows that the amendment was agreed to. Is there objection to the request of the Senator from Pennsylvania?

Mr. KING. I shall not object, but I give notice that at the appropriate time I shall move a reconsideration of the vote by which the amendment just referred to by the Senator from Pennsylvania was agreed to.

The PRESIDENT pro tempore. The RECORD will be corrected to show that the amendment of the Senator from Pennsylvania was agreed to.

Mr. REED of Pennsylvania. May the entry in the Journal also be made to appear in the CONGRESSIONAL RECORD?

The PRESIDENT pro tempore. Without objection, that will be done.

The entry in the Journal of yesterday's proceedings is as follows:

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2576) to limit the immigration of aliens into the United States, and for other purposes.

The question being on the amendment heretofore proposed by Mr. REED of Pennsylvania on behalf of the Committee on Immigration, as modified, inserting, on page 35, after line 15, certain words,

Mr. MCKELLAR raised a question as to the presence of a quorum:

Whereupon

The Presiding Officer directed the roll to be called;

When

Seventy-one Senators answered to their names.

* * * * * * *

A quorum being present,

After debate,

The amendment of Mr. REED of Pennsylvania, on behalf of the Committee on Immigration, as modified, was agreed to.

Mr. SHORTRIDGE. Mr. President, in order that I may not too long detain the Senate I respectfully ask that I be not interrupted. If not interrupted, I hope to conclude before many moments, after which I understand the Senator from Nevada [Mr. PITTMAN] desires to claim the attention of the Senate.

Answering certain questions propounded to me yesterday by Senators, I call attention to certain facts in regard to the Japanese population in California, and particularly to the constant, steady increase of that population. In 1870 there were but 55 reported Japanese in that State. In 1880 there were 148 and in 1890 there were 2,039. I should say this refers to continental United States. In 1900 there were 24,326. In 1920, in California, there were 72,157, according to the census. How inaccurate the census report is, has been abundantly proved, for in point of fact in 1920 there were fully 100,000 Japanese in California. The census of 1920 reports only some 72,000. The Japanese authorities or representatives admit some eighty-odd thousand, but from authoritative sources we claim and we here assert that there are fully 100,000 in that State.

The rapid increase since the so-called "gentlemen's agreement," which agreement presupposes gentlemen, has been steady, constant, and continuing. It has practically doubled since the entering into of that vague, uncertain, and more or less indefinite understanding or agreement, which so-called agreement I undertake to say, and I do say, has no legal validity whatever, even though I might admit that as between nations it is proper to observe it and not consciously or knowingly to violate it.

That increase has come from three sources: The introduction into this country, in direct violation of the agreement, of many thousands of so-called "picture brides," "mail-order brides"; second, the coming here, by and with the approval of the Japanese Government, of men and women as "former residents," soon to become common laborers; as students, so called, who, arriving with that status, very quickly turn from that of a student proper into a laborer in field or on farm. The other source of increase has been from those who have smuggled themselves into this country in violation of all statute law as well as of the so-called understanding.

The Senator from North Carolina [Mr. OVERMAN], who did me the honor to pay heed to my remarks on yesterday, made inquiry as to what this "gentlemen's understanding" or "gentlemen's agreement" was. If Senators will give me their attention I shall endeavor to state what that understanding or agreement was, and then we shall see whether it has been violated. I am not speaking as a technical lawyer; but I say, assuming the agreement, if it has been violated we are fully released from any and all of its obligations.

As a background, and to explain that agreement, the Senate will remember that in 1882 the Congress of the United States enacted the Chinese exclusion law. By its terms that law was to continue in force for 10 years. As 1901 and 1902 approached, because of the increase of the Chinese population in California and along the Pacific coast, there was great alarm; we were menaced. Laboring men, laboring women, chambers of commerce, patriotic associations, all classes of our people were alarmed at the situation lest the Chinese exclusion law should expire by limitation. Then it was, Mr. President, that the great and far-seeing statesman from Maine, our once great leader, James G. Blaine, rose here in the Senate and said, in effect, that we had to choose between the civilization of Christ and the civilization of Confucius.

He lifted what was said to be a local problem into a national problem. Largely due to that great statesman the Congress reenacted the Chinese exclusion law and relieved this country from the then imminent inundation from Asia.

As of that time, there began to come in the Japanese, and it was contemplated that there should be a specific Japanese exclusion law. For certain reasons that law was not enacted. The number of Japanese then was not great; the danger was not then appreciated. In 1907, however, the problem becoming greater, more dangerous for economic, racial, and political reasons—and I use the word "political" in its broader sense and not in a partisan sense—a movement was set on foot for an exclusion law aimed at the Japanese invasion. It was thought, however, that such an act might irritate, might offend, might estrange, might in some way interfere with our friendly relations with that Empire.

President Roosevelt entered into certain "conversations" leading to negotiation with the Japanese Government concerning immigration and there resulted some sort of an understanding in lieu of the contemplated exclusion law. The dominant purpose of that agreement was to stop the incoming of Japanese laborers, even as the Chinese exclusion law was designed for like purpose. It was understood that students might come to attend our schools, colleges, and universities; that ministers might come to administer to those Japanese then resident here. There was no disposition then to check or to prevent any treaty of commerce and navigation whereby those engaged in legitimate trade might come; there was no disposition to interfere with travelers or with tourists.

The main purpose of the understanding was that there should be a stoppage of the coming of Japanese laborers, using that word in its limited sense.

Why do I say this, and upon what authority? I call the attention of the Senate to the autobiography of Theodore Roosevelt and immediately to his statement in regard to this understanding or agreement which he entered into. We have never violated it. I do not recall when my country has ever violated a treaty or an understanding between us and any other people.

Mr. OVERMAN. Mr. President, will the Senator yield to me?

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from North Carolina?

Mr. SHORTRIDGE. Yes; with pleasure.

Mr. OVERMAN. Is this agreement in writing?

Mr. SHORTRIDGE. No, Senator; I am coming to that. I say it is vague; it is uncertain; there is no written record of it. We can not call upon the Secretary of State to-day and get any such document. The Department of Labor has sought it in vain. We are told in an indefinite sort of a way that perhaps Japan could tell us what it is. Wherefore, I must turn to the man who entered into it, to his writings—to the autobiography of Theodore Roosevelt.

In a moment I shall call your attention to a telegram he sent to our State Legislature in Sacramento and to the letter he

addressed to a former Representative in Congress from California, Mr. Kent, in which President Roosevelt explained the nature, the scope, and the purpose of this understanding.

Reading from page 411 of his autobiography, President Roosevelt says:

Nor was it only as regards their own internal affairs that I sometimes had to get into active communication with the State authorities. There has always been a strong feeling in California against the immigration of Asiatic laborers, whether these are wageworkers or men who occupy and till the soil. I believe this to be fundamentally a sound and proper attitude, an attitude which must be insisted upon and yet which can be insisted upon in such a manner and with such courtesy and such sense of mutual fairness and reciprocal obligation and respect as not to give any just cause of offense to Asiatic peoples. In the present state of the world's progress it is highly inadvisable that peoples in wholly different stages of civilization or of wholly different types of civilization, even although both equally high, shall be thrown into intimate contact. This is especially undesirable when there is a difference of both race and standard of living. In California the question became acute in connection with the admission of the Japanese. I then had and now have a hearty admiration for the Japanese people. I believe in them; I respect their great qualities; I wish that our American people had many of these qualities. Japanese and American students, travelers, scientific and literary men, merchants engaged in international trade, and the like can meet on terms of entire equality and should be given the freest access each to the country of the other. But the Japanese themselves—

And I want Japan to hear this to-day—

But the Japanese themselves would not tolerate the intrusion into their country of a mass of Americans who would displace Japanese in the business of the land.

I think they are entirely right in this position. I would be the first to admit that Japan has the absolute right to declare on what terms foreigners shall be admitted to work in her country, or to own land in her country, or to become citizens of her country. America has and must insist upon the same right. The people of California were right in insisting that the Japanese should not come thither in mass, that there should be no influx of laborers, or agricultural workers, or small tradesmen—in short, no mass settlement or immigration.

Omitting other observations along the same line, President Roosevelt continues with certain discussions in respect to the checking of the coming of Japanese laborers into California or other parts of the United States, and he says:

After a good deal of discussion, we came to an entirely satisfactory conclusion. The obnoxious school legislation was abandoned, and I secured an arrangement with Japan under which the Japanese themselves prevented any emigration to our country of their laboring people, it being distinctly understood that if there was—

I beg Senators who have proper concern for our understandings or treaties to note what President Roosevelt here says—

It being distinctly understood that if there was such emigration the United States would at once pass an exclusion law. It was, of course, infinitely better that the Japanese should stop their own people from coming rather than that we should have to stop them; but it was necessary for us to hold this power in reserve.

Then President Roosevelt speaks of the treaty of 1911. I said yesterday and I say now, and I think our Secretary of State must realize the force of what I now say, as all Senators will, I hope, that we propose in my amendment to recognize the treaty of 1911. There is no disposition to abrogate it, to ignore it, to annul it, to modify it, in any wise to affect it; and under that treaty, with which Senators are familiar, hundreds, thousands of Japanese may come freely into this country, but come under a treaty of trade and navigation, as traders, not as laborers in field or in factory.

Speaking of that nation, President Roosevelt said:

They can teach us much. Their civilization is in some respects higher than our own. It is eminently undesirable that Japanese and Americans should attempt to live together in masses; any such attempt would be sure to result disastrously, and the far-seeing statesmen of both countries should join to prevent it.

I ventured to express that thought yesterday—that the statesmen of Japan and the statesmen of this country should cooperate to prevent any attempt of these peoples, so dissimilar, to live upon the same soil. They can not live in peace and harmony; and it will be far better for Japan, certainly far better for us, to prevent any such living together upon the same soil.

Then the President proceeded:

But this is not because either nation is inferior to the other; it is because they are different. The two peoples represent two civilizations which, although in many respects equally high, are so totally distinct in their past history that it is idle to expect in one or two generations to overcome this difference. One civilization is as old as the other; and in neither case is the line of cultural descent coincident with that of ethnic descent.

Unquestionably the ancestors of the great majority both of the modern Americans and the modern Japanese were barbarians in that remote past which saw the origins of the cultured peoples to which the Americans and the Japanese of to-day severally trace their civilizations. But the lines of development of these two civilizations, of the Orient and the Occident, have been separate and divergent since thousands of years before the Christian era; certainly since that hoary eld in which the Akkadian predecessors of of the Chaldean Semites held sway in Mesopotamia. An effort to mix together, out of hand, the peoples representing the culminating points of two such lines of divergent cultural development would be fraught with peril; and this, I repeat, because the two are different, not because either is inferior to the other. Wise statesmen, looking to the future, will for the present endeavor to keep the two nations from mass contact and intermingling, precisely because they wish to keep each in relations of permanent good will and friendship with the other.

He then proceeds, in his autobiography, to incorporate on page 416 the letter which he addressed to our then speaker of the assembly, Hon. P. A. Stanton, in which he states the substance, the purpose, of this understanding. I read a few lines:

In accordance with it—

That is, the agreement—

In accordance with it the purpose is that the Japanese shall come here exactly as Americans go to Japan, which is in effect that travelers, students, persons engaged in international business, men who sojourn for pleasure or study, and the like shall have the freest access from one country to the other, and shall be sure of the best treatment, but there shall be no settlement in mass by the people of either country in the other.

Then he speaks of the diminishing number of Japenese in California during a short period after entering into this understanding. He says:

These figures are absolutely accurate and can not be impeached. In other words, if the present policy—

That is, the policy of checking the coming of these laborers—

if the present policy is consistently followed and works as well in the future as it is now working, all difficulties and causes of friction will disappear, while at the same time each nation will retain its self-respect and the good will of the other. * * * If in the next year or two the figures of immigration prove that the arrangement which has worked so successfully during the last six months is no longer working successfully, then there would be ground for grievance and for the reversal by the National Government of its present policy.

I ask that this historic letter be incorporated in full as a part of my remarks.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The letter referred to is as follows:

THE WHITE HOUSE,
Washington, February 8, 1909.

HON. P. A. STANTON,
Speaker of the Assembly,
Sacramento, Calif.:

I trust there will be no misunderstanding of the Federal Government's attitude. We are jealously endeavoring to guard the interests of California and of the entire West in accordance with the desires of our western people. By friendly agreement with Japan, we are now carrying out a policy which, while meeting the interests and desires of the Pacific slope, is yet compatible, not merely with mutual self-respect, but with mutual esteem and admiration between the Americans and Japanese. The Japanese Government is loyally and in good faith doing its part to carry out this policy, precisely as the American Government is doing. The policy aims at mutuality of obligation and behavior. In accordance with it the purpose is that the Japanese shall come here exactly as Americans go to Japan, which is in effect that travelers, students, persons engaged in international business, men who sojourn for pleasure or study, and the like, shall have the freest access from one country to the other, and shall be sure of the best treatment, but that there shall be no settlement in mass by the people of either country in the other. During the last six months under this policy more Japanese have left the country than have come in, and the total number in the United States has diminished by over 2,000.

These figures are absolutely accurate and can not be impeached. In other words, if the present policy is consistently followed and works as well in the future as it is now working, all difficulties and causes of friction will disappear, while at the same time each nation will

retain its self-respect and the good will of the other. But such a bill as this school bill accomplishes literally nothing whatever in the line of the object aimed at, and gives just and grave cause for irritation, while in addition the United States Government would be obliged immediately to take action in the Federal courts to test such legislation, as we hold it to be clearly a violation of the treaty. On this point I refer you to the numerous decisions of the United States Supreme Court in regard to State laws which violate treaty obligations of the United States. The legislation would accomplish nothing beneficial and would certainly cause some mischief and might cause very grave mischief. In short, the policy of the administration is to combine the maximum of efficiency in achieving the real object which the people of the Pacific slope have at heart with the minimum of friction and trouble, while the misguided men who advocate such action as this against which I protest are following a policy which combines the very minimum of efficiency with the maximum of insult, and which, while totally failing to achieve any real result for good, yet might accomplish an infinity of harm. If in the next year or two the action of the Federal Government fails to achieve what it is now achieving, then through the further action of the President and Congress it can be made entirely efficient. I am sure that the sound judgment of the people of California will support you, Mr. Speaker, in your effort. Let me repeat that at present we are actually doing the very thing which the people of California wish to be done, and to upset the arrangement under which this is being done can not do good and may do great harm. If in the next year or two the figures of immigration prove that the arrangement which has worked so successfully during the last six months is no longer working successfully, then there would be ground for grievance and for the reversal by the National Government of its present policy. But at present the policy is working well, and until it works badly it would be a grave misfortune to change it, and when changed it can only be changed effectively by the National Government.

THEODORE ROOSEVELT.

Mr. SHORTRIDGE. He concludes—I know that Senators are called away to attend to other matters, but I beg those who are present to note what President Roosevelt said:

If in the next year or two the figures of immigration prove that the arrangement which has worked so successfully during the last six months is no longer working successfully, then there would be ground for grievance and for the reversal by the National Government of its present policy. But at present the policy is working well, and until it works badly it would be a grave misfortune to change it, and when changed it can only be changed effectively by the National Government.

In a letter addressed to former Congressman Kent, of California, President Roosevelt stated the same thing in substance. I will ask that his letter, or the portions of it which bear immediately upon this understanding, be incorporated in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

Let the arrangement between Japan and the United States be entirely reciprocal. Let the Japanese and Americans visit one another's countries with entire freedom as tourists, scholars, professors, sojourners for study or pleasure, or for purposes of international business, but keep out laborers, men who want to take up farms, men who want to go into the small trades, or even in professions where the work is of a noninternational character; that is, keep out of Japan those Americans who wish to settle and become part of the resident working population and keep out of America those Japanese who wish to adopt a similar attitude. This is the only wise and proper policy.

It is merely a recognition of the fact that in the present stages of social advancement of the two peoples, whatever may be the case in the future, it is not only undesirable but impossible that there should be intermingling on a large scale, and the effort is sure to bring disaster. Let each country also behave with scrupulous courtesy, fairness, and consideration to the other.

Mr. SHORTRIDGE. I advise the Senate that President Roosevelt reiterated, perhaps a little more specifically, the understanding, which was that there should be no coming of laborers, that those engaged in international trade, travelers, students in colleges, ministers, tourists, should have free access into our country even as our citizens should have free access into Japan, but that there should not be an increase in laborers, or men who want to take up farms, or go into the small trades.

There is no gentleman with any acquaintance with the literature of that time, with telegrams, with letters, with authoritatively published works concerning this understanding who can doubt its scope or its purpose; nor can anyone question that it was the understanding that if it should be consciously or unconsciously, knowingly or unknowingly, violated or defeated of its purpose, then it was perfectly competent for us, without any offense, without intending any offense, to legislate upon the subject.

Mr. WATSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Indiana?

Mr. SHORTRIDGE. I do.

Mr. WATSON. Has the so-called gentlemen's agreement ever been reduced to writing?

Mr. SHORTRIDGE. It never has been reduced to writing so far as I or anyone else has been able to ascertain. It rests in conversations. It is evidenced by letters, by telegrams, by writings of President Roosevelt, but not otherwise.

Mr. REED of Pennsylvania. Is the Senator certain that there were no letters passing between Ambassador Chinda and Secretary Hay at the time this agreement was made?

Mr. SHORTRIDGE. There were certain letters, as I have said, but no one can ever piece them together and get the exact terms and conditions of this agreement more definitely than has been stated by President Roosevelt.

Mr. REED of Pennsylvania. Then the Senator's statement is rather that the writings are obscure and not that there are no writings?

Mr. SHORTRIDGE. I stated that there are certain notes; there are certain writings; there are certain telegrams. President Roosevelt communicated directly with our speaker of the assembly and, to repeat, we have never been able to ascertain the real, full details other than I have stated.

Mr. COLT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from California yield to the Senator from Rhode Island?

Mr. SHORTRIDGE. I yield; but I wish to hasten on.

Mr. COLT. I will take but a moment. I would like to ask the Senator if it is not true that when Senator Phelan was before the committee he read from a book what purported to be the points involved in the gentlemen's agreement?

Mr. SHORTRIDGE. I believe he did.

Mr. COLT. One other question. Is it not true that it is admitted that it is an immigration agreement relating to labor, and that Japan agreed upon her honor not to issue passports to laborers? Is not that the foundation of the agreement?

Mr. SHORTRIDGE. I have stated that it is so; and I am here to say that she has violated that agreement.

Mr. COLT. Very well; I thank the Senator.

Mr. SHORTRIDGE. How and in what way has that understanding been ignored or violated? I do not use the word "violated" for the purpose of arousing resentment, although the time has come, Mr. President, to speak with a certain degree of candor, and I hope with full truth. There has been a great deal of euphemistic language indulged in, a great many diplomatic pink-tea notes or interviews. There has been, as it has seemed to me, a great deal of timidity, lest, peradventure, we might offend the delicate sensibilities of the empire lying beyond the Pacific. I believe in courtesy. I believe in respecting the feelings of men and women, whether they be princes or peasants, whether they be American or Asiatic, but I would have done with euphemistic phrases, and speak the truth. Therefore, I ask the question, to answer it myself, wherein has this agreement been violated? I will tell the Senate.

That agreement never contemplated that there should be brought into this country hundreds of thousands of Japanese women, known as picture brides. They came in thousands. I assume the Senators understand their process. The young and valiant Japanese laborer, in San Joaquin County, Calif., yearning to perpetuate himself, sought a fair maiden in Japan under the cherry blossoms. He did not go there. Cupid never drew him across the Pacific to woo her in the moonlight. Far from it. He was cultivating asparagus or potatoes in the fertile fields of what we term "The Delta." But he sent her the photograph of his classic features, and received in return photographs from the fair maidens from Japan, and thus, avoiding the distress of the expense of travel, what heaven had put apart man joined together; for the maidens came in their kimonos across the peaceful Pacific, landed on the wharf at San Francisco, were there met, greeted, and embraced by their future husbands.

Mr. REED of Pennsylvania. Does the Senator find that the results of that method of selection are less satisfactory than the Anglo-Saxon method?

Mr. SHORTRIDGE. According to the birth rate, the relation was very harmonious, which leads me to repeat what I said yesterday, that they are a very fertile and very prolific

people, indeed, the birth rate being about three to four times what it is in the average American household. If this rapid birth increase goes on yonder in Hawaii, it has been carefully estimated, by 1940 the Japanese native born in Hawaii will control in the voting population of those islands. I am standing here, along with other men, asking the Senate and my friend from the great State of Pennsylvania not to Japanize California, even as the paradise of the Pacific, the Hawaiian Islands, have been Japanized. What has occurred in Hawaii will occur in California, due to the coming of brides, due to the birth rate there, due to the smuggling in, and due to the quota allowance which it is purposed to engraft into law through the Senate committee bill.

Mr. President, after a great deal of opposition and protest, the Japanese Government was persuaded to check this picture-bride process. There were a certain kind of feeble-minded Americans, with brains no bigger than a canary bird's, who undertook to say that after all perhaps that method of marriage was quite as satisfactory as ours, where we walk down the cathedral aisle, or the church aisle, or stand before the official authorized to bind men and women in the holy tie of matrimony; but those feeble-minded men were overcome by the indignant protests of better-thinking Americans. Therefore Japan paid heed to our protests, and undertook to and did stop the sending of these thousands of Japanese brides. But many thousands were here. The sending of them was contrary to the understanding entered into, because, arriving here and marrying, they at once became common laborers in the fields.

I do not wish to draw a picture which, by way of contrast, would be offensive, but the American mother, with children, can not and does not and should not be permitted to work as a common laborer in the fields. There may be occasional seasonal work in which women may engage, in which children may engage, to their profit and to their physical well-being; but the American mother can not compete with the Asiatic mother, who goes into the field and works alongside of the men. So that these Japanese brides were not entitled to come at all, but, coming, they were turned into day laborers in our fields and factories.

The Japanese stopped that, however, and then, such is the ingenuity of man, such the cleverness of some people, they hit upon another plan by which they could bring in their women, and that plan was this, is this to-day: The Japanese here returns to Japan. He is aided and encouraged to do so for the purpose of there getting a wife. The Senate must bear in mind that Japan holds to the doctrine that once a Japanese always a Japanese, and returning to Japan they are subject to military duty. At first their stay there was limited to 30 days, in which time it was supposed they could find, woo, and win a bride. The time was extended to 90 days, so that now hundreds of thousands of them who are here return to Japan, take unto themselves wives, and then, under a wrong interpretation of this understanding, return to America with their wives, and let nature take her course.

Under the guise of students hundreds and thousands of Japanese have come into California and other States along the Pacific coast—note, as students—but there being no adequate law governing their status, they turn at once into common laborers in our fields.

Under the guise of merchants they come, and arriving as such—on paper—immediately enter into the industrial fields of labor.

The upshot of the matter was, and is, that whereas this agreement contemplated a falling off of population it has steadily increased. The purpose of the understanding was the purpose of the Chinese exclusion law. The Chinese exclusion law has resulted in a great decrease of population of Chinese in California and the United States as a whole. I hope I am understood in what I have just stated. The Chinese exclusion law stopped—with certain exceptions, of course—the coming of Chinese. The effect of it has been wholesome and entirely beneficial to this country. The purpose of this so-called understanding was the same as that of the Chinese exclusion law. The Chinese exclusion law has resulted as designed. The understanding has been defeated absolutely of its purpose and according to President Roosevelt—and there can be no better authority—it was a part, an essential and controlling part, of that understanding that if it failed of its purpose then without offense this Nation might legislate upon the subject.

I have dwelt upon this so-called understanding in order to remove from the minds of Senators any fear that we might do an improper thing by exercising our legitimate constitutional power.

Addressing myself very earnestly to the intelligence of the Senate, we do not propose to violate the treaty between us and Japan. It is to continue in full force. We do not propose to violate the understanding with Japan because, as of now, the condition is such, the facts are such, that we are at perfect liberty to legislate upon the subject.

I asked yesterday, and in a few words I wish to repeat, Whence comes the opposition to this proposed legislation? The amendments I have offered carry into the Senate bill the provisions which have met the approval of the House Committee on Immigration. Whence comes the opposition? It comes in part from Japan, perhaps, but I have heard nothing which is serious; I have heard no indignant protests. Japan is doing the same thing that we contemplate doing.

I said yesterday and beg to repeat that Japan excludes Chinese from Japan, excludes Koreans from Japan, and for economic and political reasons. Nobody questions her right to do so. Nobody questions the wisdom of her legislation. She does not ask permission of China to so legislate. She legislates as she has a perfect right to legislate as an independent sovereign nation. I am asking the Congress to exercise an acknowledged right, acknowledged by all nations. I am asking the Congress to think of America and to legislate for and on behalf of the men, the women, and the children of America. I am very sure that we may so legislate without giving any just offense; indeed, without giving any offense to the thoughtful statesmen of Japan. There may be a few jingoes, there may be a few illiterates, there may be a few of cheap demagogues in Japan, as there are in America, but the thoughtful statesmen of Japan understand our form of government, understand our powers and our rights, even as we understand theirs.

There is a certain opposition, however, that comes up from those for whom I entertain the most respectful consideration. There are ministers of God who stand in pulpits to justify His ways toward men, who think that we of America should not prevent any people from Japan, China, Java, Siam, anywhere, from coming to this country, here to drink of the fountain of life, here to listen to the glad tidings of Christ. There are ministers of the gospel, good men, with "high-erected thoughts," men who think that even as God made all men of one blood, in that larger sense in which St. Paul used the phrase, we should permit all races, all peoples, to come freely into our country; who say that there is but one earth and one great human family, and that no nation has the right to circumscribe the boundaries, no right to preempt, so to speak, any portion of God's earth and exclude other peoples from that territory.

I respect those views. There are reasons why I speak of ministers of the gospel with certain filial affection, remembering my dear father and my grandfather. But I remind those friends of mine, I invite them again to turn to the Holy Book and to read again the sermon of St. Paul on Mars Hill, away yonder in ancient Athens; and if they do, they will find that as St. Paul stood there on Mars Hill, with the Epicureans and the Stoics and the philosophers round about him, questioning him—and I am sure my friend from Alabama [Mr. HEFLIN] is familiar with that scene, and I say that in great admiration for his knowledge of that Great Book—they will find that St. Paul said that God "hath made of one blood all nations of men for to dwell on all the face of the earth," meaning that in a large sense we are all His children, created in His image, but that St. Paul added, He "hath determined the bounds to their habitation."

We all agree, those who have pursued the matter, that He contemplated the existence of separate, independent races, peoples, nations, and we have always had independent nations, separate peoples, distinct races of men upon the rolling earth. I am one who claims that in the large sense mankind as a whole will be better advanced, civilization as a whole will go forward more rapidly, by the maintaining of separate, independent nations on the face of the earth. So those who object to the exclusion of one-half of the human family from the United States should be reminded that there is divine authority for such exclusion.

But we are practical men. We are upon the earth. Here we live. This is our country, our form of government, and we are not offending Heaven when we say that here we will maintain our type, our standard of civilization, not in hostility to others, not in envy of others, but in a generous rivalry to excel in the arts and the sciences, and in all those things which are comprehended under the word "civilization."

There is another type of opposition to the proposed legislation. Certain chambers of commerce have thrown out the idea that it will interfere with trade. I reply, we have our treaty of trade and navigation. This proposed legislation will not

interfere with trade, but if it did interfere with trade, let it be so. I put man above trade. I put the men and women of America above coupons or bonds. I put the permanent welfare of my country above the temporary profits of commerce. From my own State there came a respectful telegram from a great commercial organization, and that telegram recognizes the wisdom of what I have poorly stated, namely, that there should be a complete exclusion of the Asiatic or the oriental laborer.

Their concern was, and it was that alone, lest by passing the legislation we would offend against the existing treaty or, if you please—they may have included it or intended to include it—against some existing vague understanding. If I have succeeded in doing what I undertook to do, I have made it perfectly plain that we are not violating any express treaty nor are we violating any vaguely expressed understanding. Therefore, there is no legitimate objection coming from California or from any other commercial body, so far as I know, grounded upon the proposition that we are violating any treaty or any understanding. I undertake to say, however, that this proposed legislation would not in any wise interfere with the commercial intercourse between the two nations.

California looks out upon the Pacific Ocean, the greatest ocean on earth. The time was when the Pacific Ocean was a barrier, in a sense a protection. It is now an avenue of approach. I regret to say for this or that or the other reason the Japanese are fast becoming masters of the Pacific Ocean in matters of commerce. I wish to see that ocean plowed by our ships. I wish to see the products of our country carried to the Orient in American ships. I wish to see such products as we need brought hither in American ships. But, that thought apart, the proposed legislation will not interfere at all with the commerce between the United States and the Orient, for we respect not only this treaty but all existing treaties of commerce and navigation, as my proposed amendment specifically states.

Opposition comes from other parties, from attorneys employed by Japanese organizations. I have great respect for attorneys at law, and I am not one who would say aught against them in their professional capacity, but there are attorneys employed by Japanese organizations who are attempting to prevent the exclusion of aliens ineligible to citizenship.

I said yesterday and I say now that this exclusion applies not alone to Japan but it applies to the millions and hundreds of millions of Asiatics and Orientals who are ineligible to citizenship and have been from 1790 down to this hour. Yet one of these same paid attorneys, in a document which reaches me, wishes to depart from that century-old policy of naturalization and to permit the naturalization of certain orientals.

I shall hasten on, and I promise Senators to conclude without very much longer detaining them. I state certain propositions. Those propositions have been sustained by testimony before the committee. I could severally sustain them if I might trespass upon the attention of the Senate.

I undertake to say that the Japanese controlling policy is against expatriation. Paraphrasing the old phrase, "Once an Englishman always an Englishman," which provoked the War of 1812, "Once a Japanese always a Japanese." I said, and I repeat, the Japanese love their country; they adore it; they enthrone it in their hearts; they worship their Emperor. They are ambitious to spread over the earth, and wheresoever they go, be it to the uttermost parts of the seas, they are Japanese. Their government follows them and would protect them. Those who come here may not become citizens; they remain Japanese. Their children are citizens of the United States, but even the child born of the noncitizen regards himself or herself as a child of Japan. His heart, his affections go out to the native land of the parent. There arises, then, that dual relationship.

The father the alien, the child of his affection a citizen of the United States. We can well believe that that child would be like Desdemona when brought before the court in the famous scene in Othello. I am sure Senators can repeat that whole dialogue between Othello and old Brabantio and Desdemona. Finally Desdemona says: "My noble father, I do perceive here a divided duty." There stood the husband, there stood the father—"I do perceive here a divided duty." So the child of the Japanese perceives "a divided duty." His father and his mother, being Japanese subjects, owing allegiance to Japan; the child, owing allegiance to the United States, might well say, in moments of trouble or danger, "I perceive here a divided duty." In any event, not play upon words or draw pictures, there is the situation.

I do not know what you think, Mr. President [the President pro tempore in the chair], but as for me, I do not think it wise, I do not think it safe to build up in America a large mass of people who may never become citizens of this country. Therefore I am troubling the Senate, perhaps, in urging these, my thoughts, upon you.

The Japanese are opposed to expatriation. That is a doctrine which has been American. The theory or the doctrine of expatriation tends to liberate the world. It was a long time before certain European monarchies, European empires, came to recognize the right—the inherent, inalienable right—of expatriation, the right inborn to throw off the allegiance of one country and take on the allegiance of another country.

We proclaimed that doctrine, and we invited from Europe the poor, the lowly, the broken in spirit, the hopeless; but they were men and women who thirsted for freedom, who yearned for liberty; and they came—the Irishmen, the German, the Englishman, the Italian—from all Europe they came; they joined with us in building up this Nation; and they exercised the right of expatriation. We asserted that right, and granted citizenship to them. However, for the reasons which I have suggested, our fathers did not think it wise to extend citizenship to the orientals. That has been our policy; that is our policy; and I say it is a wise policy. These foreign peoples who may not become citizens build up, as it were, an imperium in imperio—a state within a state, a country wthin a country. Is it necessary for me to argue that such a situation is charged with danger to America? I ought not to have to appeal to men who have bared their breasts in defense of this country and upon whose breasts there is evidence of their valor.

Without reading, I wish to call the attention of the Senate to the fact that at its last great national convention the Democratic Party, wisely and rightly, passed an explicit declaration as part of its platform sustaining the position I have taken here to-day. At its last convention the Republican Party passed a like resolution, which forms a part of its platform. I ask that I may incorporate those two planks in my remarks in the RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Democratic Party platform of 1920]

The policy of the United States with reference to the nonadmission of Asiatic immigrants is a true expression of the judgment of our people, and to the several States whose geographical situation or internal conditions make this policy and the enforcement of the laws enacted pursuant thereto of particular concern we pledge our support.

[From the Republican Party platform of 1920]

The standard of living and the standard of citizenship of a nation are its most precious possessions, and the preservation and elevation of those standards is the first duty of our Government.

The immigration policy of the United States should be such as to insure that the number of foreigners in the country at any time should not exceed that which can be assimilated with reasonable rapidity, and to favor immigrants whose standards are similar to ours.

The selective tests that are at present applied should be improved by requiring a higher physical standard, a more complete exclusion of mental defectives and of criminals, and a more effective inspection applied as near the source of immigration as possible, as well as at the port of entry. Justice to the foreigners and to ourselves demands provisions for the guidance, protection, and better economic distribution of our alien population. To facilitate Government supervision, all aliens should be required to register annually until they become naturalized. The existing policy of the United States for the practical exclusion of Asiatic immigrants is sound and should be maintained.

Mr. SHORTRIDGE. Mr. President, I could fill the RECORD with hundreds, perhaps thousands, of formal resolutions adopted by organized bodies throughout the United States upon this subject, upon this immediate point and proposition, that we should exclude all alien peoples—not Japanese alone, but all alien peoples—who, under our age-long policy, are not eligible to citizenship in the United States.

Mr. President, I feel I owe an apology to the Senate for having detained it so long. As is perfectly manifest, I have stated general propositions, invited attention to certain specific provisions in treaties, and undertaken to state the meaning of this so-called agreement.

I ask to incorporate in my remarks a statement which was prepared by the Chamber of Commerce of the City of Long Beach, Calif., a city of over 100,000 inhabitants, not far from Los Angeles. That statement has already appeared in the

RECORD, but it is so condensed, and it is so thoughtful, that I shall hope Senators, if they have not already done so, will read it with care. It comes from a chamber of commerce. It does not come from those who may be said to be extreme on this question.

The PRESIDENT pro tempore. Without objection, the statement will be printed in the RECORD.

The statement referred to is as follows:

CHAMBER OF COMMERCE,
Long Beach, Calif., March 8, 1924.

Senator SAMUEL M. SHORTRIDGE,
Washington, D. C.

DEAR SENATOR SHORTRIDGE: Herewith is copy of report of special committee appointed by the Long Beach Chamber of Commerce regarding the Japanese situation as requested by the Las Vegas-San Miguel Chamber of Commerce.

The directors of our chamber of commerce, believing that our committee had given thorough study to this situation and had rendered such an excellent report, same should be submitted to you for your information.

From correspondence received by our organization from Eastern States, particularly Florida, New Mexico, and some of the Southern States, where they have been having trouble with scarcity of labor, it is apparent that these States are giving some consideration to either inviting Japanese to come to their communities, or may tolerate Japanese colonizations in their neighborhoods, and we are somewhat fearful that this menace may spread throughout our country.

For the reasons stated above and because we believe you will be pleased to have the result of our committee's study of this situation we are pleased to furnish you with a copy of their report.

Very truly yours,

LONG BEACH CHAMBER OF COMMERCE,
HERBERT R. FAY, *Executive Secretary.*

LONG BEACH, CALIF., *March 5, 1924.*

The BOARD OF DIRECTORS OF THE
LONG BEACH CHAMBER OF COMMERCE,
Long Beach, Calif.

GENTLEMEN: Your committee, consisting of Oscar P. Bell, Clyde Doyle, B. B. Stakemiller, and R. W. Robinson, appointed to make investigation re the communication from the Las Vegas-San Miguel Chamber of Commerce, begs to report as follows:

* * * * * * *

We have studied the Japanese situation in a fair and impartial manner, entirely free from any prejudice or animus. Our review of collateral literature on the subject leads us to enumerate the following facts which yield themselves to the conclusions which we herewith present to you:

First. The Japanese people are a frugal, industrious, and thorough class of people; in the main they are ambitious and keen—as a rule well trained in the lines of activity they seek to enter. They always are persistent and thus generally successful in their endeavors.

Second. They are not eligible to citizenship.

Third. They are practicing price manipulation.

Fourth. They maintain language schools (Japanese).

Fifth. They boycott their neighbors.

Sixth. They are not permitted to own or lease land in California.

Seventh. They live on a scale that is under the margin for self-respecting Americans to live.

Eighth. They undercut wage scales in agricultural and horticultural lines.

Ninth. They compel their women to work at heavy manual labor, together with their men.

Tenth. They register their American-born children in Tokyo as Japanese subjects.

Eleventh. "Picture brides" that are imported to this country are returned to Japan and others sent to take their places in case they prove to be barren.

Twelfth. Until the passage of the California "alien land law" they practiced agricultural sabotage on such ranches as they desired to purchase at a price below its real value, and when the desired land was "junked" would buy it in the name of an American-born child and then restore it to its former fertility.

Our conclusions from the above facts are:

They are a menace to our country socially, because—

First. They can not become citizens.

Second. Intermarriage with them is undesirable.

Third. Their women do not establish and maintain American homes.

Fourth. They maintain an oriental social system in their colonies.

They are a problem to our country economically, because—

First. They practice the boycott.

Second. They practice price manipulation.

Third. They destroy the economic balance.

Fourth. They practice sabotage.

Fifth. They maintain "close corporation" Japanese commercial organizations.

They are a hazard to our country politically, because—

First. They maintain a Japanese military standing.

Second. They can not function as citizens.

Third. They can not own or lease land (in California).

Fourth. They register American-born children as Japanese subjects.

Fifth. They maintain an oriental civic life within their colonies.

These things we believe indicate clearly the fact that the presence of these people in considerable numbers in any one place constitutes a positive un-American liability and not an asset.

Thanking you for the confidence you have shown in us in intrusting this investigation to us and trusting the above report will be of assistance to you in responding to the inquiry, we are,

Very truly yours,

O. P. BELL.
B. B. STAKEMILLER.
R. W. ROBINSON.

Mr. SHORTRIDGE. I also ask, Mr. President, to have inserted in the RECORD a resolution which comes from a great labor organization of my State.

The PRESIDENT pro tempore. Without objection, it is so ordered.

The resolution referred to is as follows:

LONG BEACH, CALIF., *January 3, 1924.*

Resolution adopted by the Long Beach (Calif.) Central Labor Council in regular session assembled on the above date

Whereas recent disclosures by the State Department and other Federal agencies indicate that this country is threatened with Soviet and other foreign propaganda of a radical nature; and

Whereas official records bearing on trials and criminal investigations tend to show that such propaganda emanated from foreign sources and is here fostered by aliens; and

Whereas this foreign propaganda has for the past few years reached such proportions as to arrest the attention of the American people to the seriousness of the situation and to call for a nation-wide Americanization program; and

Whereas this Americanization program, necessitated by a large unassimilated population, entails a heavy expense upon the taxpayers, money that could be saved or applied to the education of American children; and

Whereas, according to the United States census, there are already 13,000,000 foreigners in this country, of which number 1,500,000 can not speak English and 3,000,000 can not read or write the English language; and

Whereas in view of the foregoing conditions a continued influx of immigrants would accentuate this undesirable state of affairs, constituting a menace to the American people and its institutions; and

Whereas a continued immigration on an unrestricted basis would increase the present state of unemployment, which condition is in a measure responsible for the outbreak of crime: Therefore be it

Resolved by the Long Beach Central Labor Council at a regular meeting held January 3, 1924, at the Long Beach Labor Temple, 1118 Pine Avenue, That it goes on record as being absolutely opposed to any form of legislation which will remove the present restrictions placed on immigration and tending to increase the present 3 per cent annual admission now authorized; and be it further

Resolved, That the Long Beach Central Labor Council views with favor any legislation which would further reduce the percentage of immigrants allowed each year until the Nation has had time to absorb the alien population; and be it further

Resolved, That Senators HIRAM W. JOHNSON and SAMUEL M. SHORTRIDGE, and Congressman WALTER F. LINEBERGER be requested to oppose any move tending to remove the present restrictions on immigration, and to support legislation to the contrary, and that copies of this resolution be furnished the local press; the executive council of the American Federation of Labor; the secretary of the State Federation of Labor; the Secretay of Labor, Washington, D. C.; and the national committee of the American Legion in charge of the Americanization program.

Mr. SHORTRIDGE. Mr. President, of course the men and women of California or of Pennsylvania or of Minnesota or other States who do the manual, the physical labor of the day, are directly interested in this problem. Lawyers are interested in it, merchants are interested, all classes of our people are interested; but the man and the woman, particularly the young man and the young woman, who are obliged to come into direct competition with this type of labor are concerned, and they have a right to be concerned. I do not hold myself to be their only champion, but I have said, and I now repeat that our first thought should be for the great toiling masses of our people. I want to put a little more sunshine into the hearts of men and women; I want to see the blessings

of civilization distributed more equally and equitably, and I am thinking of the man who does the hard work, the man who toils in the mines, as I did, perhaps of him who lights the street lamps, as I did; and therefore I am appealing to the thoughtful men of the Senate in like manner to think of the great labor problem in America and to realize that I am striving, and we are striving, to help America, but not to injure any other people.

Mr. President, if California alone were interested, I would have a right, as it would be my duty, to speak for her. California is made up of people from every State in the Union, Northland and Southland. I am speaking for them, and in so doing I am speaking for the men and women of the whole Pacific coast. I am happy to say I think I am speaking for the men and women of this Nation, the people of America.

I said, but I wish it to be remembered, that I am authorized to speak for the American Federation of Labor, for the National Grange, for the American Legion, for hundreds and thousands of patriotic, upstanding, 100 per cent American organizations. If it is necessary, I am appealing to the scholarship of New England; I am appealing to the learning of the East; I am appealing to the chivalry, the greatness of the Southland; I am appealing to brother Senators and to this Congress to pass this law with the amendments I have suggested in the interest of the men and women of the Nation, regardless of State or section.

The word "study" is too indefinite. The word "study" is too vague. It should be eliminated. My amendment proposes that those who come as students shall designate the school or the college or the university they desire to attend, and that that school or college or university shall be approved by our Secretary of Labor. We ought not to leave it so indefinite. I appeal to those familiar with words, who know that they may be vague, ambiguous, uncertain, that we ought not to leave it to the Secretary to make those rules. We ought ourselves here to provide that those who come as students shall be bona fide students, not that they may come under the guise of students to study we know not what, to continue as students we know not how long—to come for the vague purpose of "study" and speedily turn to become common laborers in competition with American labor. I have said all I now desire to say in support of these amendments.

I ask consent to incorporate in my remarks a senate joint resolution of the Legislature of the State of California relative to oriental immigration, with particular reference to Japanese immigration.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

Senate joint resolution No. 26, relative to immigration. Introduced in California Legislature by Senator Sharkey, April 4, 1921. Passed by Senate April 12, 30 to 0; passed by assembly April 13, 55 to 0.

Whereas the Japanese Exclusion League of California, representing officially such organizations as the American Legion, War Veterans, Native Sons and Native Daughters of the Golden West, State Federation of Women's Clubs, State Federation of Labor, and various other patriotic, civic, and fraternal bodies, have adopted a statement of policy recommended for adoption by the Government of the United States as urgently required in protection of the Nation's interest against the growing menace of Japanese immigration and colonization; and

Whereas said declaration of principles has been approved by the organizations affiliated with the league, the Los Angeles County Anti-Asiatic Association and the Japanese Exclusion League of Washington; and

Whereas said declaration of principles is in words and figures as follows, to wit:

First. Absolute exclusion for the future of all Japanese immigration, not only male but female, and not only laborers, skilled and unskilled, but "farmers" and men of small trades and professions, as recommended by Theodore Roosevelt.

Permission for temporary residence only for tourists, students, artists, commercial men, teachers, etc.

Second. Such exclusion to be enforced by United States officials under United States laws and regulations, as done with immigration admitted or excluded from all other countries, and not, as at present, under an arrangement whereby control and regulation is surrendered by us to Japan.

Third. Compliance on the part of all departments of the Federal Government with the Constitution and the abandonment of the threat or attempt to take advantage of certain phrasing of that document as to treaties, which it is claimed gives the treaty-making power authority to violate plain provisions of the Constitution in the following matters:

(a) To nullify State rights and State laws for control of lands and other matters plainly within the State's jurisdiction.

(b) To grant American citizenship to races of yellow color, which are made ineligible for such citizenship.

Fourth. For the Japanese legally entitled to residence in California fair treatment, protection in property rights legally acquired, and the privilege of engaging in any business desired, except such as may be now or hereafter denied by law to all aliens or to aliens ineligible to citizenship; and provided particularly they may not hereafter buy or lease agricultural lands: Now, therefore, be it

Resolved by the senate and assembly (jointly), That the Legislature of the State of California hereby indorses said declaration of principles and urges that the President, the Department of State, and the Congress of the United States adopt and observe the policy therein stated; and be it further

Resolved, That the secretary of the senate be, and she is hereby, directed to transmit copies of these resolutions to the President and the Secretary of State of the United States and to each of California's Senators and Representatives in Congress.

Mr. REED of Pennsylvania. Mr. President, I do not think it will be necessary for me to take more than five minutes of the time of the Senate; but I want within that space of time to explain why I think it is unnecessary to adopt the Japanese exclusion section, and why I think it is unwise to adopt it, and why I think it is a gratuitous offense to a friendly nation.

In the first place, I think the proposed amendments of the Senator from California are unnecessary, because in the last fiscal year we gained by Japanese immigration over Japanese departures only 399 individuals.

Mr. ROBINSON. Mr. President, can the Senator state the approximate number of admissions of Japanese that will be possible under this bill?

Mr. REED of Pennsylvania. Yes, Mr. President. Under the bill as it is reported out by the committee the total annual Japanese quota is 1,443, while under the national-origins amendment to the quota law which I have proposed the Japanese quota for the year will be only 360.

Mr. ROBINSON. What would be the number of admissions from Japan if the 1890 basis, proposed in the amendment of the Senator from Mississippi [Mr. HARRISON], should be agreed to?

Mr. REED of Pennsylvania. As I understand his amendment, it is a flat 2 per cent of 1890, with no minimum or basic figure to which that is to be added. Under his amendment, if I understand it aright, the Japanese quota would be 46. Under the Johnson bill in the House, which allows a quota of 200 plus 2 per cent of 1890, the Japanese quota would be 246.

Mr. ROBINSON. Then if the amendment of the Senator from Mississippi is agreed to, and the census of 1890 is made the basis of the quota, the admissions from Japan would be only 46?

Mr. REED of Pennsylvania. The admissions of immigrants; yes.

Mr. HARRISON. Mr. President, may I say that there is a provision in the bill which says that the minimum shall be 100; so if this amendment which I have offered should be adopted, which merely changes "1910" to "1890," the other provision would remain in the bill, unless it should be stricken out, that the minimum quota is 100.

Mr. REED of Pennsylvania. Oh, yes; if that provision were left in, and coupled with the Senators' amendment, then the Japanese quota would be 100.

Mr. ROBINSON. I do not want to disturb the Senator in his argument, but I wonder if he would object to my asking the Senator from California a question in this immediate connection?

Mr. REED of Pennsylvania. No; I am very glad to have the Senator do so.

Mr. ROBINSON. The Senator from California may not have heard the statements made in answer to a question which I asked the Senator from Pennsylvania—that if the 1890 census be made the basis for the quota in the immigration law, only 46 admissions could be had from Japan, except that there is a provision that the minimum shall not be less than 100. Would the Senator from California object to the admission of a minimum of 100 Japanese, should that arrangement be effected?

Mr. SHORTRIDGE. I would. I object to the incoming for permanent residence of any number who are ineligible to citizenship.

Mr. ROBINSON. I have understood—and I think the Senator has discussed the question—that the State Department is opposed to the amendment which he suggests on the ground that it will disturb, if not overthrow, the gentlemen's agreement and bring about confusion in our relationships with Japan. I thought perhaps if the minimum admission were to be 100, the Senator would not find that seriously objectionable.

Mr. SHORTRIDGE. May I reply to the Senator's question and thought by saying that when the Secretary of State com-

municated with the chairman of the House committee suggesting that the bill in its then form was violative of treaty obligations, the House bill did not contain the provision it now contains, and which I propose to incorporate in the Senate bill, namely, the provision specifically stating that it shall not interfere with the coming of any peoples who come under or pursuant to any treaty of commerce and navigation.

That was the main objection which the Secretary of State then had. That objection has been completely answered; and as to the gentlemen's agreement, I feel warranted in saying that I have answered any objections that could be urged along that line. But may I engage the attention of the Senator from Arkansas? In the large sense we are opposed to the placing of these peoples upon the quota, for that is but a step along the line of their ambition. If placed upon the quota at all it is a law subject to change, subject to annulment, subject to be added to or taken from.

Mr. ROBINSON. Will the Senator yield?

Mr. SHORTRIDGE. Yes, sir.

Mr. REED of Pennsylvania. Mr. President, I yield to the Senator from Arkansas.

Mr. SHORTRIDGE. I beg the Senator's pardon. Somehow I seem to be a little interested in this subject.

Mr. ROBINSON. My thought was that perhaps the Senator from California would not want to overrule the viewpoint of the State Department and disturb or threaten with disturbance the amicable relations that now exist between this Government and Japan, merely to prevent the admission of 46 or 100 Japanese annually into the United States. I am interested in the Senator's viewpoint.

Mr. REED of Pennsylvania. Mr. President——

Mr. SHORTRIDGE. May I say just one word?

Mr. REED of Pennsylvania. Shall I count them?

Mr. SHORTRIDGE. I reply to the thoughtful Senator from Arkansas, for he thinks that I do not want to disturb the amicable relations between us and Japan. I do not think we will disturb them at all. I think some of our own people are more concerned over that than the Japanese representatives. I do not for one moment think that if we exercise our ackowledged right or power it will be regarded as offensive—not at all. I am very confident that it will be accepted as the exercise of our legitimate rights, even as Japan, as I have said, excludes Chinese without consulting China, excludes Koreans without asking their leave.

Mr. REED of Pennsylvania. Mr. President, I believe Mark Twain said once that he knew there was one mahogany tree in the Island of Bermuda, because he had counted it. I know that I have yielded for more than a word, because I have counted them. I should like to suggest that some of the questions have been prophetic. They have anticipated what I was going to try to say, but I should like to have it in compact form; and so, if the Senate will pardon me, I will just get the figures together at this point in the RECORD.

In the last fiscal year there came to this country, in all, 11,571 Japanese, and there departed 11,172; so our net gain was 399 persons. Of the number who came 5,652 were immigrants; so the Senate can readily see that if any of these quota methods were adopted, instead of getting 5,600 immigrant Japanese we would get the reduced number—say, under this racial-origins amendment, 360 immigrant Japanese—while there would be nothing to cut down the departures. So it is reasonable to expect that instead of gaining 399 Japanese, net, in the next fiscal year we would actually lose in numbers of Japanese by about 5,000 persons, because the incoming flow of immigrants would be cut down by the quota law. That is why I think the amendment suggested by the Senator from California is unnecessary.

He asks us, in place of the gentlemen's agreement, to adopt an exclusion law like the Chinese exclusion law, and he implies that the Chinese exclusion law works better than our gentlemen's agreement with Japan. Yet I find by the report of the Commissioner of Immigration for the last fiscal year that, in spite of our exclusion law of 1882 and its amendments, 16,575 Chinese came into this country, while under our gentlemen's agreement with Japan the total incoming immigration of Japanese was only about two-thirds of the number of Chinese. It was 16,000 Chinese against 11,000 Japs, and, as I have explained, the incoming 11,000 Japs were quite balanced by the outgoing 11,000.

So much, then, for my statement that it is unnecessary. Does the Senator from Washington want to ask about that?

Mr. DILL. I want to ask one question regarding the quota. At the present time there is no quota for the Japanese?

Mr. REED of Pennsylvania. That is right. The law of 1921 did not provide a quota for Japan.

Mr. DILL. Why should a quota be established for the Japanese?

Mr. REED of Pennsylvania. That is the question I was just about to answer.

Mr. DILL. Very well.

Mr. FESS. Will the Senator yield for a question?

Mr. REED of Pennsylvania. I yield.

Mr. FESS. How does the Senator account for 16,000 Chinamen coming in in spite of the exclusion law?

Mr. REED of Pennsylvania. By all kinds of exceptions in the exclusion act. In order to make an exclusion act that can be reconciled with common sense at all, we have to pepper it with exceptions. The Chinese do not try to restrain the coming of their nationals, and the holes in the exclusion act are so many that more of them come in than of Japs.

Mr. FESS. But they do not come in in violation of law? I supposed they did.

Mr. REED of Pennsylvania. That is the next question. That is a part of the answer to the Senator from Washington.

Mr. McKELLAR. Before the Senator goes to the other question, will he state whether any of the Chinese go out? He spoke of the number coming in as 16,000, I believe. It seems that as many Japanese left our shores as those that came in, with the exception of 300. How about the Chinese? Do they leave or not?

Mr. REED of Pennsylvania. Yes; the Chinese leave, too. Ten thousand nine hundred and fifteen of them departed in the last fiscal year.

Mr. McKELLAR. Then there were just about 5,000 net who stayed in this country?

Mr. REED of Pennsylvania. Five or six thousand.

Mr. McKELLAR. That is, against 300 Japanese?

Mr. REED of Pennsylvania. Against 399 Japanese.

Mr. STERLING and Mr. SHORTRIDGE addressed the Chair.

The PRESIDING OFFICER (Mr. WILLIS in the chair). Does the Senator from Pennsylvania yield; and if so, to whom?

Mr. REED of Pennsylvania. I yield first to the Senator from South Dakota.

Mr. STERLING. I did not understand the Senator from Pennsylvania to name the period within which 16,000 Chinese came into this country.

Mr. REED of Pennsylvania. In the fiscal year 1923. All the figures I have given apply to the fiscal year ending June 30 last. I yield now to the Senator from California.

Mr. SHORTRIDGE. We dispute those figures as to the numbers going and the numbers coming. But it should be borne in mind that many of those who are reported as going—how many I am unable to state—have only gone to Japan to get wives, and expect to return to America. They have not gone permanently.

Mr. REED of Pennsylvania. They count as one when they go and as two when they come back?

Mr. SHORTRIDGE. They do, and contrary to the law and the agreement.

Mr. REED of Pennsylvania. I will have something to say about that in a moment if I have a chance to say anything upon any subject.

Mr. SHORTRIDGE. If that is intended to refer to me, I have listened to the Senator with great profit and interest for the last three or four days, and I have not presumed to detain the Senate one-tenth of the time consumed by the Senator.

Mr. REED of Pennsylvania. My remark was not intended to refer any more to the Senator from California than to the other Senators who have interrupted with very proper questions, most of which would have been answered if they had not asked them. I said I would finish in five minutes. I am concerned to answer briefly, and then allow the other Senators who want to speak on this to give us their views.

The figures I have given are all taken from the report of the Commissioner of Immigration. That is the only accurate information we have. But, in addition to his figures, we must remember, in considering Chinese, that there is a very considerable trade in smuggling Chinese into this country from Cuba, from Mexico, and from Canada, and the numbers of those smuggled Chinese are not shown in these figures; while, on the other hand, in the application of the gentlemen's agreement Japan has construed its obligation to apply to the sending of Japanese to Canada and to Mexico, and they have cooperated loyally with us in restraining the emigration of their laborers to Canada or to Mexico under such circumstances that they would be apt to come illegally into the United States.

I say that for that reason the present system is highly effective. One reason why we know it is effective is that the Japanese keep a record of the number of Japanese emigrants from

Japan destined for the United States, and we find that their figures check with ours by a couple of hundred in both cases; that is, as to the number of Japanese who have come to this country in the last fiscal year and the fiscal year before it. In fact, the number they show is about 200 greater than the number our immigration authorities show as coming in.

If the bill passes in the form in which it has left the committee, the inflow of Japanese will be restrained by these two factors: First, the gentlemen's agreement, which will remain in effect; and, next, the quota system. We will have a double check, and it will operate as a check not only to the lawful arrival of Japanese immigrants but as a check to the smuggling across the Canadian and Mexican borders and through Cuba. I say, therefore, that the present system is effective and will be made more effective by the adding of this quota law.

Further reasons why it is unwise are given by Secretary Hughes in his letter to the chairman of the House Committee on Immigration, and I will ask that the whole letter be placed in the RECORD, because it is too long to detain the Senate in the reading. [See Appendix.] As to the gentlemen's agreement, however, Secretary Hughes writes, briefly, as follows:

> We now have an understanding with the Japanese Government whereby Japan undertakes to prevent the emigration of laborers from Japan to the United States except the parents, wives, and children of those already resident here. Furthermore, the Japanese Government, incidentally to its undertaking, now regulate emigration to territory contiguous to the United States with the object of preventing the departure from Japan of persons who are likely to obtain surreptitious entry into this country.

And he says, after further discussion of it, which I will not detain the Senate to read—

> I am unable to perceive that the exclusion provision is necessary and I must strongly urge upon you the advisability, in the interest of our international relations, of eliminating it.

That brings me to the third reason why I think we should not adopt this amendment.

I think it is no exaggeration to say that three or four years ago the military people in Japan and the military people in our country expected war between the two countries in the not far distant future. I think that expectation has been entirely destroyed by the splendid results of the disarmament conference here in Washington, and I think the feeling has been vastly improved by the spontaneous outpouring of assistance made by this country at the time of the dreadful disaster in Japan last September, when the two most important cities in eastern Japan were practically destroyed in a few hours by that great earthquake. America rose to the occasion as no other country did, and it was not a premeditated or calculated response, but it was plain evidence of the friendly feeling of the great mass of Americans toward our Japanese friends there in the Pacific. It impressed the Japanese more than any amount of studied diplomacy could have impressed them, and it has made them feel for the first time that the people of this country, taken as a whole, are friendly to them in all sincerity.

The Japanese Government does not want to send emigrants to this country. The Japanese Government and the Japanese people have no disposition to colonize America, and they look with perfect equanimity to the reduction in the number of Japanese in the United States. There are only 110,000 Japanese in the whole United States, less than one-tenth of 1 per cent of our population.

Mr. SHORTRIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from California?

Mr. REED of Pennsylvania. I yield to the Senator.

Mr. SHORTRIDGE. I have stated, and I will undertake to show, that there are fully 145,000 to 150,000 Japanese in the United States. The seventy-odd thousand reported in California is fully 25,000 too low. The Japanese themselves admit eighty-odd thousand, as against the seventy-odd thousand set out in the census report. The taking of the census broke down. The Japanese scurried away, they were not pursued, they were not numbered, and that is a matter of easy proof. But while I am on my feet, may I ask the Senator this question: I understand him to say that this so-called gentlemen's agreement has worked satisfactorily, that Japan does not want her citizens or subjects to colonize, and that she is working to prevent their migration. First, how comes it, then, that, whereas there were about 45,000 Japanese, or less, in California in 1907 and 1908, there are now, as I claim, fully 100,000? How has it come about? I am dealing with the ultimate facts, not with the passing going and coming during a given year. If that be so, as we have asserted again and yet again, that there were as of that time, 1907 and 1908, about thirty-five to forty thousand Japanese in California, how comes it that there are now 100,000? I repeat, and I will ask the Senator to explain it, that there is a steady increase, for the reasons I have stated.

Mr. REED of Pennsylvania. Mr. President, I can deal only with the official Government statistics. The census of 1920 shows a total of 111,000 Japanese in all the United States, and in California 71,952. If that census included only half the people it should have included, I can not help it, and I do not know it.

Mr. SHORTRIDGE. Will the Senator admit that the Japanese themselves have admitted—and I can quote them here—that there are fully 82,000 in California? The Japanese organization in California has admitted it. They keep close tab upon their people. They have admitted there are eighty-odd thousand there, notwithstanding the census shows but 70,000.

Mr. REED of Pennsylvania. I have no contact with any Japanese organization and have no information from any organization of any kind. All I can say is that if there were more than appeared in the census report there is no admission in the census report to that effect, and the figures of immigration we can only check by showing that they agree with the Japanese figures of emigration, and I have never heard it suggested until now that our immigration figures were incorrect.

Mr. SHORTRIDGE. I beg the Senator's pardon. If he was present at the hearings before the committee, he would have heard Mr. McClatchey go into the details of that, furnishing the authorities from this Japanese writer and this Japanese representative, wherein they admitted, as I have stated, that there were 81,000 or 82,000 Japanese in California notwithstanding this erroneous census report.

Mr. REED of Pennsylvania. Whether there are 71,000 or 85,000 it does not seem to me changes the principle in the least. The fact remains that with the passage of this bill as it stands the number of Japanese is bound to diminish. The Japanese Government does not wish to colonize the United States and does not wish to force her emigration into our ports. But they are a proud people, everybody knows that, and they would resent an exclusion law just as we would resent an exclusion law passed by Japan. They would resent it particularly because they realize as we must that there is no sense in it, that we do not need an exclusion law in order to keep down the number of Japanese in this country. They would resent it finally because it is the same as saying to them that they do not keep their plighted word with this country, when I think and the Secretary of State says that they have kept their agreement and kept it faithfully.

Mr. FLETCHER. Mr. President——

Mr. HEFLIN. Mr. President, I suggest the absence of a quorum.

Mr. REED of Pennsylvania. Will the Senator withhold his suggestion until the Senator from Florida asks me a question?

The PRESIDING OFFICER. Does the Senator from Alabama withhold the suggestion of the absence of a quorum?

Mr. HEFLIN. I do, for a moment.

Mr. FLETCHER. I just want to ask a question as to the increase. What has been the increase in the number of Japanese in California within recent years?

Mr. REED of Pennsylvania. Yes; I can answer the question. The increase from 1900 to 1910 was very considerable. I am using the census figure, because that is all I have. The number trebled between 1900 and 1910. It went up from 24,000 to 72,000. Then the gentlemen's agreement began to take effect and the number in the next decade did not treble, but instead of that it increased approximately 50 per cent, according to census figures. The growth in the first decade before the gentlemen's agreement, by births and immigration and everything, was 200 per cent. In the second decade it was approximately 50 per cent.

APPENDIX

THE SECRETARY OF STATE,
Washington, February 8, 1924.

MY DEAR MR. JOHNSON: I have received your letter of January 28, inclosing copies of "Committee print No. 1, selective immigration act," requesting any recommendations the Department of State may desire to submit with respect to this measure. I have also received a copy of H. R. 6540, introduced by you on February 1, 1924, and my comments will be made with respect to it.

I fully appreciate the importance of removing present hardships by the issue of immigration certificates to those who would normally come under immigration laws. I indorse this policy. Assuming that treaties were not violated and immigration certificates were demanded of those who normally would be classed as immigrants, I

should not object to the giving of authority to consular officers to issue immigration certificates, provided, of course, that consular offices were properly equipped with the requisite staff to carry out the provisions of the law. It seems to me that the granting of such immigration certificates might be treated as so analogous to the granting of visés as properly to come within a broad description of consular functions. In the absence of the violation of any treaty, I assume that the admission of immigrants to this country could be conditioned upon their receiving an immigration certificate in the manner required by our laws; although, of course, if independent machinery through special immigration officials were sought to be set up in foreign countries such officials would have to be properly accredited to the foreign governments and could not function without the consent of the foreign state in whose territory they would act.

It is hardly necessary for me to say that I am in favor of suitable restrictions upon immigration. The questions which especially concern the Department of State in relation to the international effects of the proposed measure are these: (1) The question of treaty obligations, (2) the provision excluding Japanese, (3) the establishment of the quotas upon the basis of the census of 1890.

First. Treaties: According to the terms of the proposed measure "immigrant" is defined (sec. 3) as "any alien departing from any place outside the United States destined for the United States, except (1) a government official, his family, attendants, servants, and employees; (2) an alien visiting the United States as a tourist or temporarily for business or pleasure; (3) an alien in continuous transit through the United States; (4) an alien lawfully admitted to the United States, who later goes in transit from one part of the United States to another through foreign contiguous territory; and (5) a bona fide alien seaman serving as such on a vessel arriving at a port of the United States and seeking to enter temporarily the United States solely in the pursuit of his calling as a seaman."

The result is that under this definition of "immigrant" all aliens are subject to the restrictions of the proposed measure unless they fall within the stated exceptions. The question at once arises whether there would be aliens, not falling within these exceptions, who would be entitled to be admitted under our treaties.

Article I of the treaty between the United States and Japan, concluded in 1911, provides:

> "The citizens or subjects of each of the high contracting parties shall have liberty to enter, travel, and reside in the territories of the other, to carry on trade, wholesale and retail, to own or lease and occupy houses, manufactories, warehouses, and shops, to employ agents of their choice, to lease land for residential and commercial purposes, and generally to do anything incident to or necessary for trade upon the same terms as native citizens or subjects, submitting themselves to the laws and regulations there established."

There appears to be no such exception in the proposed measure as that contained in subdivision (5) of paragraph (a) of section 2 of the quota act of 1921, and hence the proposed restrictions would apply to Japan, not simply in relation to laborers or other classes falling outside of our treaty but with respect to those who come directly within the provisions of our treaty as above set forth.

Reference may also be made to our treaties with Great Britain of 1815, with Denmark of 1826, with Norway of 1827, with Italy of 1871, and with Spain of 1902. (See Malloy's treaties, conventions, etc.) In view of the provisions of section 4 (c) I have omitted reference to clauses, similar to that above quoted, in our treaties with Latin-American countries.

In my opinion the restrictions of the proposed measure, in view of their application under the definition of "immigrant," are in conflict with treaty provisions. The exception in subdivision (2) of section 3 with respect to aliens visiting the United States "temporarily for business or pleasure" would not meet the treaty requirements to which I have referred, for this phrase would seem to indicate a stay more temporary than that permitted by these provisions and the right established by a treaty can not be cut down without a violation of the treaty so long as it is maintained in force. Accordingly, I take the liberty of suggesting that there be included in section 3 of the proposed measure an additional exception, to read as follows: "An alien entitled to enter the United States under the provisions of a treaty."

I should add that the persons entitled to enter and reside here under the terms of our treaties for the purposes of trade and commerce are not those against whom immigration restrictions are deemed to be necessary.

Second. Section 12 (b) provides as follows:

> "No alien ineligible to citizenship shall be admitted to the United States unless such alien (1) is admissible as a nonquota immigrant under the provisions of subdivisions (b), (d), or (g) of section 4, or (2) is the wife or unmarried child under 18 years of age of an immigrant admissible under such subdivision (d), and is accompanying or following to join him, or (3) is not an immigrant as defined in section 3."

In determining the effect of this provision it should be noted that subdivision (b) of section 4 relates to "an immigrant previously lawfully admitted to the United States who is returning from a temporary visit abroad." Subdivision (d) of the same section relates to immigrants who seek to enter the United States solely to carry on "the vocation of minister of any religious denomination, or professor of a college, academy, seminary, or university." And subdivision (g) of the same section relates to immigrants who are bona fide students seeking to enter the United States for the purpose of study at an accredited college, academy, seminary, or university approved by the Secretary of Labor.

It is apparent that section 12, subdivision (b), taken in connection with sections 3 and 4 of the proposed measure, operates to exclude Japanese. This is inconsistent with the provision of the treaty of 1911, above mentioned, and, with respect to those defined as immigrants who do not come within the treaty, it establishes a statutory exclusion.

So far as the latter class is concerned, the question presented is one of policy. There can be no question that such a statutory exclusion will be deeply resented by the Japanese people. It would be idle to insist that the provision is not aimed at the Japanese, for the proposed measure (sec. 25) continues in force the existing legislation regulating Chinese immigration and the barred-zone provisions of our immigration laws, which prohibit immigration from certain other portions of Asia. The practical effect of section 12 (b) is to single out Japanese immigrants for exclusion. The Japanese are a sensitive people, and unquestionably would regard such a legislative enactment as fixing a stigma upon them. I regret to be compelled to say that I believe such legislative action would largely undo the work of the Washington Conference on Limitation of Armament, which so greatly improved our relations with Japan. The manifestation of American interest and generosity in providing relief to the sufferers from the recent earthquake disaster in Japan would not avail to diminish the resentment which would follow the enactment of such a measure, as this enactment would be regarded as an insult not to be palliated by any act of charity. It is useless to argue whether or not such a feeling would be justified; it is quite sufficient to say that it would exist. It has already been manifested in the discussions in Japan with respect to the pendency of this measure, and no amount of argument can avail to remove it.

The question is thus presented whether it is worth while thus to affront a friendly nation with whom we have established most cordial relations and what gain there would be from such action. Permit me to suggest that the legislation would seem to be quite unnecessary even for the purpose for which it is devised. It is to be noted that if the provision of subdivision (b) of section 12 were eliminated and the quota provided in section 10 of the proposed measure were to be applied to Japan, there would be a total of only 246 Japanese immigrants entitled to enter under the quota as thus determined. That is to say, this would be the number equal to 2 per cent of the number of residents in the United States as determined by the census of 1890 plus 200. There would remain, of course, the nonquota immigrants, but if it could possibly be regarded that the provisions of section 4 would unduly enlarge the number admitted, these provisions could be modified without involving a statutory discrimination aimed at the Japanese. We now have an understanding with the Japanese Government whereby Japan undertakes to prevent the immigration of laborers from Japan to the United States except the parents, wives, and children of those already resident here. Furthermore, the Japanese Government, incidentally to this undertaking, now regulates immigration to territory contiguous to the United States, with the object of preventing the departure from Japan of persons who are likely to obtain surreptitious entry into this country.

If the provision of section 12 (b) were to be deleted and the provision in regard to certificates for immigrants to this country were to become applicable to Japan, we should with the present understanding with the Japanese Government be in a position to obtain active cooperation by the Japanese authorities in the granting of passports and immigration certificates. We could, in addition, be assured that the Japanese Government would give its assistance in scrutinizing and regulating immigration from Japan to American territory contiguous to the United States. It is believed that such an arrangement involving a double control over the Japanese quota of less than 250 a year would accomplish a much more effective regulation of unassimilable and undesirable classes of Japanese immigrants than it would be practicable for us, with our long land frontier lines on both north and south, to accomplish by attempting to establish a general bar against Japanese subjects to the loss of cooperation with the Japanese Government in controlling the movement of their people to the United States and adjacent territories.

I am unable to perceive that the exclusion provision is necessary, and I must strongly urge upon you the advisability, in the interest of our international relations, of eliminating it. The Japanese Government has already brought the matter to the attention of the Department of State, and there is the deepest interest in the attitude of Congress with respect to this subject.

Third. There remains the question of the adoption of the census of 1890 as the basis of quota restriction. This has evoked representa-

tions from European countries, and especially from Italy, which regards the choice of such a basis as a discrimination against her. On December 31, 1923, I communicated to you a memorandum presented to the Department of State by the Italian ambassador and, as I have no doubt that your committee will examine these representations attentively, I shall not attempt to add any further recital of facts. In appropriately providing for a restriction of immigration, the importance of which I fully recognize, I hope that it will be possible to find some basis which will be proof against the charge of discrimination.

In addition to the questions considered above, permit me to direct your attention to the following:

Section 4 (c) of the proposed measure does not appear to provide for immigrants from British Honduras and British, French, and Dutch Guiana, as they would seem not to be "countries of Central or South America within the meaning of the bill (see sec. 11 (a)). It is also not clear from the provisions of section 4 (c) that it would provide for Haiti, the Dominican Republic, the British, French, and Dutch islands of the West Indies, St. Pierre and Miquelon, and Greenland.

It is also to be noted that section 4 (c) applies only to residents of the countries named and makes no provision for persons born in these countries and citizens of them but residing abroad. In view of the fact that under section 11 (a), for the purposes of the act, nationality is to be determined by country of birth, it would appear that such persons would still be referred to the country of birth and yet could not come in as nonquota immigrants. This would apparently make necessary the establishing of quotas to cover such classes, but it is not clear that this is the intention of the measure, or, on the other hand, that there is any reason why such persons should not be able to come in as "nonquota immigrants" as well as those who are described in section 4 (c). I therefore suggest that you consider amending section 4 (c) to read as follows:

> "(c) An immigrant who was born in or has resided continuously for at least 10 years immediately preceding the time of his application for admission to the United States in the Dominion of Canada, Newfoundland, the Republics of Mexico, Cuba, and Haiti, the Dominican Republic, countries of Central America and of South America, colonies and dependencies of European countries in Central America, South America, the West Indies, or other islands adjacent to the American continents, and his wife, and his unmarried children under 18 years of age, if accompanying or following to join him."

I desire to invite your attention to the fact that under the provisions of section 6 (f) the only copy of the application for an immigration certificate is attached to the immigration certificate, and would therefore be delivered to the alien with the immigration certificate and surrendered to the immigration offier at the port of arrival in the United States. This would leave the Government without a copy of the application and without any record of the facts upon which the immigration certificate was issued. It would seem that difficulties might arise on account of lost certificates or that copies of the applications might well be desired for use in prosecutions where false statements were made, or where the certificate was altered while in the immigrant's possession. I therefore believe that it would be desirable to provide that a copy of the application for an immigration certificate should be kept on file in the consular office.

Section 8 (e) provides that if the commissioner general finds the facts stated in the petition to be true and the immigrant is entitled to admission as a nonquota immigrant, he shall, through the Secretary of State, authorize the consular officer to issue an immigration certificate. I consider it important that consular officers shall continue to be under the direction and control of the Department of State, and I assume that it is not the intention to divert this control, which is important in order that there may be retained for such officers the recognition which they should receive from the foreign governments concerned. I suggest the advisability, in order to avoid any possible question, of amending section 8 (e) by striking out the words "he shall, through the Secretary of State, authorize the consular officer with whom the application for the immigration certificate has been filed to issue the immigration certificate" and by inserting in lieu thereof the following:

> "He shall inform the Secretary of State of his decision, and the Secretary of State shall then authorize the consular officer with whom the application for the immigration certificate has been filed to issue the immigration certificate."

With regard to section 11 (a), I may state that some question has arisen under the present quota act whether the words "treating as separate countries the colonies or dependencies for which separate enumeration was made in the United States census" were sufficient to authorize the granting of a separate quota to Australia, which is a self-governing dominion under the British Empire. In order that this doubt may be removed, I suggest that in line 17, page 14, after the word "countries," the words "the self-governing dominions" be inserted.

With respect to section 11 (a) (1), which provides that the nationality of a minor child accompanied by its alien parent not born in the United States shall be determined by the country of birth of such parent, if such parent is entitled to an immigration certificate, I may observe that in case the minor child is accompanied by both parents it is not clear whether the nationality of the minor child shall be determined by the place of birth of the father or of the mother. I suggest that the following provision be added:

> "If the minor child is accompanied by both parents its nationality shall be determined by the country of birth of the father."

With respect to section 11 (a) (2), I desire to invite attention to the fact that apparently this section creates a class of immigration certificates that are not to be counted as quota certificates and are also not issued as nonquota certificates. The issuance of such certificates may cause difficulties in the regulation of the number of immigration certificates to be issued by consular officers. I believe that a more definite provision on this subject should be included in the act.

Section 11 (b) incorporates provisions contained in the present quota act. In administering these provisions certain difficulties have arisen which I believe it would be advisable to remedy in the proposed legislation, as follows:

Section 11 (b) (1) refers to changes in political boundaries in foreign countries occurring subsequent to 1890 and resulting in the creation of new countries, the governments of which are recognized by the United States. This provision does not deal with the establishment of a new self-governing dominion within the British Empire since 1890. Under the provisions of the present law consideration was given to the matter of establishing a separate quota for the Irish Free State, which is a new self-governing dominion. It appeared, however, that such a separate quota was not warranted by the terms of the law. For administrative reasons it would be helpful if separate quotas could be given the self-governing dominions. Reference is made in this connection to the fact that the census of 1890 does not contain a separate enumeration for New Zealand or the Union of South Africa. It is therefore believed that the following amendment should be added after the word "States," in line 18, page 15, the words "or in the establishment of self-governing dominions."

I may also observe that questions have arisen under the provisions of the present law which are incorporated in section 11 (b) (2) concerning the establishment of quotas covering the territories which had been transferred by the government exercising sovereignty therein in 1910 but where formal recognition of a new sovereign had not been extended by the Government of the United States. Cases of this character have arisen with respect to Palestine, Syria, Fiume, and other territories involved in settlements arising out of the World War. I believe that this situation could be dealt with by adding after section 11 (b) (2) a new section numbered (3), to read as follows:

> "in the surrender of territory by one country but the transfer of which to another country has not been recognized by the United States."

Your attention is also invited to the fact that several small countries recognized by the United States in 1890 were not clearly given a separate enumeration in the census of 1890. A similar situation arose under the present act with respect to the granting of a separate quota to San Marino, which had been recognized by the United States prior to 1910. With a view to making it proper for the United States to provide for a separate quota for such countries, I suggest that the following sentence be added after the word "boundary," in line 25, page 15, of the proposed measure:

> "Such officials jointly are authorized to prepare a separate statement for countries recognized by the United States before 1890 but to which a separate enumeration was not given in the census of 1890."

With respect to section 15 (b), it is observed that provision is made for the clearance of a vessel involved upon the deposit of an amount sufficient to cover such sums. The present law contains a similar provision, and it was construed that the foreign ship owner was obliged to deposit money and that a bond with sufficient surety could not be accepted. Such a provision, it seems, would work an undue hardship in cases where a serious question of fact was involved and the sum of money required to be deposited was very large. I therefore suggest that it would be desirable to provide that the Secretary of Labor may, in his discretion, accept a bond with sufficient sureties thereon to guarantee the payment of such sums.

The same observations apply to section 19 (f).

With respect to section 24, which provides that the commissioner general shall prescribe rules and regulations for the enforcement of the provisions of the act, so far as its administration by consular officers is concerned, subject to the approval of the Secretary of State, I desire

to refer to my comments with respect to section 8 (e). For the reasons there stated, I am of the opinion that the rules and regulations, so far as they relate to consular officers, should be prescribed by the Secretary of State upon the recommendation of the commissioner general.

I remain, with high regard,

Very sincerely yours,

CHARLES E. HUGHES.

Hon. ALBERT JOHNSON,

House of Representatives.

Mr. HEFLIN. Mr. President, we have committee hearings going on and some of us have to go to the committee rooms. This discussion has gone on for an hour and a half. I understood yesterday that the Senator from California was not going to consume over 30 minutes to-day, and that the Senator from Nevada [Mr. PITTMAN] was to speak. The Senator from Nevada gave notice yesterday that he would speak to-day. This discussion has been going on and on until I think it is time to stop this part of it.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield for a question?

Mr. HEFLIN. I yield.

Mr. REED of Pennsylvania. Does the Senator think it reprehensible of us to work on the unfinished business?

Mr. HEFLIN. Not at all.

Mr. REED of Pennsylvania. And not talk politics?

Mr. HEFLIN. Not at all. I think that is all right, but Senators should keep their agreement that they would not consume more than 30 minutes.

Mr. REED of Pennsylvania. There was no agreement that the unfinished business would not consume over 30 minutes. It will consume all the time necessary to bring it properly before the Senate.

Mr. HEFLIN. I think the Senator from Nevada wants to consume about 5 or 10 minutes.

Mr. SHORTRIDGE. Mr. President, if the Senator will pardon me a moment, the Senator from Pennsylvania has just made a statement in the truth of which I have no doubt he believes, but how can it be said that Japan does not desire her people to come to America or go to any other country? We all know that she claims to be overpopulated and is seeking other countries for her surplus population. We all know that she is striving to find other land where her people may live. I am here to deny absolutely that Japan has striven to check the coming of her people to the United States. They have come, they are coming, and there is no use to get into a controversy over ultimate facts. The Senator from Pennsylvania admits—not admits, but states—that as of a certain date along about the time the so-called gentlemen's agreement was entered into there were so many Japanese here. We know there are twice that number here now. How did they get here?

Moreover, I would have the Senate bear in mind that the Secretary of State was presenting this objection before we had recognized the treaty of 1911. As to the gentlemen's agreement, no lawyer here will ever admit that it has any legal efficacy. I do not propose now or hereafter to admit that any Secretary of State or any President can enter into treaties between this country and any other country. If we are going to abdicate as Senators, let us abdicate. I am not going to allow the country to abdicate, and that is what some Senators here are asking the country to do.

WHITE RIVER DAM, ARK.—DIXIE POWER CO.

Mr. CARAWAY. I ask the Chair to lay before the Senate the amendment of the House of Representatives to Senate bill 2686 that I may move that the Senate concur in the amendment. The House has simply stricken out the portion providing that "all laws and parts of laws in conflict herewith are hereby repealed."

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2686) to authorize the Federal Power Commission to amend permit No. 1, project No. 1, issued to the Dixie Power Co., which was, on page 2, to strike out lines 9 and 10, inclusive.

Mr. CARAWAY. I move that the Senate agree to the amendment of the House.

The motion was agreed to.

POLITICAL ISSUES

Mr. PITTMAN. Mr. President, I gave notice on yesterday that to-day, as soon as possible, with the consent of the Senate, I would give an analysis to the Senate of the speech of the Senator from Pennsylvania [Mr. PEPPER] delivered to the Republican State convention in Maine on April 8. I gave notice so that the Senator from Pennsylvania might be advised and be present. Naturally I do not desire in any way to misconstrue the speech of the Senator. It was a very important address. It was undoubtedly the keynote speech of the presidential campaign. It was made by the distinguished Senator who is known to be one of the chief advisers of the President. It was made in a State that has been peculiarly the keynote State according to Republican traditions. It was spoken undoubtedly by him as the mouthpiece of the President of the United States.

Mr. PEPPER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. PITTMAN. I yield.

Mr. PEPPER. I am sure the statement just made by the Senator from Nevada is a mere expression of opinion. I do not think he wants the Senate to suppose that it was a statement of fact.

Mr. PITTMAN. I would like to ask the Senator whether it was a statement of fact?

Mr. PEPPER. It certainly was not, Mr. President.

Mr. PITTMAN. Did the President know the Senator from Pennsylvania was going to make that speech in Maine?

Mr. PEPPER. Of course, the President did not know anything about it.

Mr. PITTMAN. He did not know?

Mr. PEPPER. Certainly not. I do not mean to say he may not have known I was going to make a speech. Those things, when they are known generally, are known throughout Washington, but that he knew what I was going to say or was in any way concerned in what I was going to say or in any respect interested in what I was going to say is not the fact. No one at all, except the junior Senator from Maine [Mr. HALE], was consulted by me respecting my speech or what I should say, and nobody is responsible for it except myself.

Mr. PITTMAN. I have no doubt that the President of the United States will feel very much relieved by the apology of the Senator just made to the President.

Mr. PEPPER. Mr. President, will the Senator yield for a question?

Mr. PITTMAN. Certainly.

Mr. PEPPER. Does the Senator from Nevada think, when he has made a statement which is unfounded in point of fact and another Senator rises to correct a misstatement of an important point, that the Senator making the correction can be said to be apologizing? I should like to know the Senator's idea of the relation between gentlemen on such a subject.

Mr. PITTMAN. I do not object to whatever description the Senator gives to it. If he does not consider that it is an apology, I do not want to force it on him at all. But, Mr. President, the press of the country has reiterated since that speech was delivered that it was the keynote speech of the presidential campaign, and this is the first time the distinguished Senator from Pennsylvania has taken occasion to deny it, that I know of. I do not think he had any intention to deny it until he arrived in Washington.

Why, the President of the United States has been in exceedingly close touch with the distinguished Senator from Pennsylvania, according to the press of the country. It was the distinguished Senator from Pennsylvania, together with the titular leader on the other side of the aisle, who made his visit down to the President to advise him politically with regard to the removal of Daugherty.

The papers were full of the fact that those two distinguished leaders on the other side of the Chamber were advising the President with regard to the political expediency of removing Attorney General Daugherty. No one ever denied that. Of course, I do not know as much about politics as does the distinguished Senator from Pennsylvania, but I assume, with my little knowledge of politics, that on the opening of a great presidential campaign, in which the skilled leader now in the White House is going to be a candidate, he would desire to know the character of speech that was to be made to the Republican convention in Maine. It is almost impossible to understand how it was that this prepared speech, which was carefully studied, according to the press statements, by the Senator from Pennsylvania, never came to the notice of the man most interested in this country in the character of the speech, and that is the President of the United States. It is an astounding thing that after the press of the country carried it as the keynote speech of the presidential campaign it never occurred to the Senator from Pennsylvania to protect the President against those statements until he got on the floor of the Senate, where his speech was going to be criticized. I might call him the unconscious spokesman of the President of the United States, as he is the unconscious adviser of the President of the United States.

He appeared here on yesterday with a resolution dealing with our foreign relations. He advised the President of the United States not only what to do but how to do it; and yet to-day he is so modest and so solicitous of the welfare of the President that he denies that the President knew anything about it. At least the supposition of the press and the supposition of those who are not well versed in politics would excuse the Senator from Nevada for assuming at least that the President of the United States knew that the Senator was going to address the convention in Maine and for assuming that, if he knew he was going to address the convention in Maine, he had some interest in the keynote speech which was to be made there. Therefore, I assume that that will justify the Senator from Nevada in assuming, as the rest of the country has assumed, the character and purpose of the speech of the Senator from Pennsylvania.

Mr. President, the Senator from Pennsylvania [Mr. PEPPER], an administration leader and one of the chief political advisers of the President, delivered the Republican keynote speech at the Republican State convention in Maine on April 3. I have carefully analyzed his speech, which has just been published in the RECORD, and invite his correction if my construction is erroneous.

He advised the Republicans of the country to admit in their own minds the mistakes of the Republican administration, but not to talk about them. He advised them to talk about something else. He said:

> When party mistakes have been made it is best to admit them and to limit your talk to the long list of Republican achievements in the past and of Republican plans for the future, which are the real basis of our appeal for public confidence.

Talk about Lincoln and the future but keep silent on the present administration is the cunning advice of the distinguished presidential adviser. What does his speech disclose that he fears with regard to the record of the present administration? He admits in his speech that the administration has been unable to accomplish legislation, that it is permeated with corruption, and has entirely broken down. Is this an exaggeration? If so, the distinguished adviser of the President is responsible for the charge. With regard to the failure of the administration to function in legislative matters, the distinguished leader says:

> In important emergencies, however, we lack the votes to make our will effective. * * * As a result, we have been able to do little more than make a beginning of the good work. During the residue of this session we shall do what we can to move forward in the right direction and rely upon the great popular indorsement which we expect to receive next November to give us the momentum necessary to complete our program.

What votes does the administration lack to carry out its program? The Senate is made up of 51 Republicans, 43 Democrats, and 2 Non-Partisan Leaguers who were formerly Republicans and who sit on the Republican side. It can not therefore be the Democratic minority that deprives the administration of the necessary votes.

The administration's impotency is due to a revolt of progressive Republicans against the reactionary character of the administration. It is but a repetition of the breakdown of the Republican administration that occurred in 1910 and 1912 when Theodore Roosevelt led the revolt.

So the distinguished adviser of the President admits the breakdown of the Republican administration and advises Republicans not to talk about it. And what did he state to the Republicans of the country with regard to the corruption that permeates this administration?—

> The appointment of Forbes as head of the Veterans' Bureau and of Fall as Secretary of the Interior—

Declares the distinguished Senator—

> have proved to be terrible mistakes, while the selection of Mr. Daugherty as Attorney General seems to me to have been a grave error in judgment. You will remember, however, that when I say this I am speaking of the mistakes not of the living but of the dead.

This indictment is as mild as could be formulated by the astute and scholarly Senator from Pennsylvania. "Terrible mistakes!" An almost kindly description of the conduct of Albert Fall, who conspired against the safety of his country and sold its essential instrument of defense for 30 pieces of silver.

The appointment of Forbes as head of the Veterans' Bureau, who neglected and abused the disabled soldier and dissipated among corruptionists the funds appropriated for the amelioration of their suffering and for the protection of their lives and their families was truly a "terrible mistake."

The record of Attorney General Daugherty is so notoriously outrageous and disgraceful that the distinguished Senator was generously apologetic in terming his appointment and retention in office a "grave error of judgment."

And yet the political adviser of the President advises Republicans to condemn and ridicule the investigations that unearthed these corruptions and forever removed from political power Fall, Denby, Forbes, Daugherty, and their kind. Why? Because these investigations were instituted, forced, and led by Democrats and progressive Republican Senators who are antagonistic to the administration, because the exposures have discredited this administration. Take the distinguished Senator's own declaration in this behalf:

> If I were to sum up in a single sentence—

Declares the distinguished Senator—

> What the Democrats in the Senate have accomplished at this session of Congress I should put it thus: In endeavoring to inflict injury exclusively upon the Republican Party they have, in fact, succeeded in discrediting both the great parties to such an extent that an irresponsible and highly dangerous third party is actually suggesting itself to some extremists as a practical possibility.

Thus he admits that the exposures have discredited the Republican Party.

The Senator is not disturbed by anything that he believes will discredit the Democratic Party. He knows that there is no revolt in the Democratic Party. He knows that the revolt in the country which threatens the formation of a third party is a revolt by Progressive Republicans against the Republican administration. He knows that this revolt is in Republican States by Republicans who threaten to follow Senator LA FOLLETTE as leader of a third party, as did many Progressive Republicans follow Roosevelt as the leader of a third party in 1912.

The distinguished representative of the administration admitted that the appointment of Forbes as head of the Veterans' Bureau and of Fall as Secretary of the Interior have proved to be "terrible mistakes," while the selection of Mr. Daugherty as Attorney General seems to have been a "grave error in judgment." Yet at the same time he boldly maintained that the exposure of such mistakes and the denouncement of such corruptionists was an unpardonable offense.

> I am here to-day—

Declared the Senator—

> To affirm my belief that the Democratic Party has recently forfeited whatever claim to public confidence it may have possessed.

Let me assure the Senator that it was not the exposure of the corruption that existed or the forcing out of office of corruptionists, but the fact that they were appointed and maintained in power that has shaken public confidence. Let me assure the Senator that it is not with regard to our Government that public confidence has been shaken, but with regard to the administration of our Government. It has been the impotency and corruption of this administration that has threatened the formation of a third party by dissatisfied and disgusted Republicans, and not the act of the Democratic Party in exposing such impotency and corruption.

The confidence of the public in our Government will never be shaken until it is demonstrated that an impotent and corrupt administration can maintain itself in power against the will of a majority of the citizens. Honesty in government is the foundation stone of a democratic form of government, and the exposure of corruption and the driving out of office of corruptionists is not a subject for levity and ridicule.

And if, in the opinion of the distinguished leader of the administration, these investigations, instituted, forced, and carried out by the Democrats and progressive Republicans, have forfeited public confidence in the Democratic Party, what would the administration have done with regard to these investigations had it had control over the Senate for such purpose? From the speech of the distinguished Senator but one inference can be drawn—the administration would not have permitted the exposures that developed from these investigations. Let the distinguished Senator's speech contradict this inference if it can. Here is the exact language that he used:

> A front page disfigured by sensational headlines and defiled by lurid utterances of irresponsible witnesses is a poor companion for an editorial page in which minority Senators are scored for permitting what they could not control.

He speaks of administration Senators as "minority Senators," and, indeed, they are in the matter of these investigations.

And further he says:

The sound things we must do. The others, even at the risk of seeming hard-hearted, we must decline to do, because it is the Republican tradition to check mere impulse and to act in the interest of all the people.

Yes, the administration would have checked the impulse for purification in government, but their apology that they did not have control for any such unworthy effort must be accepted.

So this is what we must understand as the plan for the Republican presidential campaign as laid down by the spokesman for the President in the keynote speech in Maine: Throw a smoke screen around the impotency and corruption of the present administration; talk of the past and the future, but avoid discussion of the acts of the present administration; condemn and ridicule the investigations; stimulate through propaganda fear for the safety of the Government; conceal President Coolidge's efforts to retain Denby and Daugherty in office; and blame all mistakes and inaction of the administration on the party's former leader, the dead President.

What a program and what a plan of campaign to be given to a party that was once led by Lincoln and to whom they now appeal for prestige!

Mr. WALSH of Montana. Mr. President, that part of the speech of the Senator from Pennsylvania [Mr. PEPPER] forming a part of the obvious propaganda to bring to a close the investigations which have been in progress for some time challenges my attention, particularly because within the last 10 days I have been receiving a large number of letters from people in various parts of the country expressing the idea conveyed by the junior Senator from Missouri [Mr. SPENCER] at a recent meeting of the committee in which he said that the country was sick and tired of the investigations. These letters which come to me are usually anonymous. One which I got this morning—an anonymous letter—was particularly abusive in its language and tone, but in that respect it was not particularly exceptional.

I find, Mr. President, that there is some considerable protest through the country against the continuance of these investigations. It is evidenced by an editorial which I have here from the Rocky Mountain News. The same ideas expressed by the Senator from Pennsylvania concerning the investigations are set forth in this editorial. I think it is a fitting accompaniment to the speech of the Senator from Pennsylvania with reference to that particular part of his address, and I ask that it may be printed in the RECORD as a part of my remarks.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

[From the Rocky Mountain News of Tuesday, April 1, 1924]

INVADING THE SANCTUARY

As a body the United States Senate must be held responsible for the acts of its committees, and in the present case of the muckraking committees the full Senate by almost unanimous vote has upheld them and their actions. The committees and the Senate have gone beyond the duties assigned to them; they have usurped the functions of the Executive and of the courts. The Senate body has more than once sought to dictate to the Executive regarding the discharge of members of his Cabinet and officers in lesser places. It is wholly without authority to do so.

Lawyers of repute who have no personal interest in the issues before the Senate are alarmed at the situation and the drift at Washington. Precedents are being created in the hue and cry that may return to mock the Senate. Constitutional precautions for the protection of the people from demagogy are being set at naught. The answer to it all is that the end justifies the means. Graft is charged in high places and the defense is that unconstitutional means can be employed with impunity to ferret it out. The fact that the so-called investigation has taken on the feature of an inquisition and that it is being used for narrow partisan purposes is forgotten for the present.

It is charged that the Senate, through its committees and its own actions following the lead of the committees, is turning a legislative body into a "rump" court. Rights guaranteed by the Constitution to citizens are being violated.

An authority on constitutional law calls attention to some of the grosser violations. With respect to misconduct of civil officers the Senate has a constitutional duty to perform. That duty is to try impeachments and when sitting for that purpose the Senators shall be on oath and affirmation. The House of Representatives has the "sole power of impeachment." This is the Constitution. How strange it must sound at Washington just now. The Senate is acting as impeacher, jury, trial judge, and prosecutor all in one. If removal from office is contemplated, investigation by the Senate is not only an invasion of the "sole power of impeachment" vested in the House of Representatives but violates that fundamental rule of justice that a prospective judge shall not risk his impartiality by any inquiry into the facts in advance of trial. If removal from office is not contemplated, the investigations are an invasion of the constitutional province of the courts. Whether Mr. Daugherty was innocent or guilty, he was denied the constitutional rights of one accused. These rights include "indictment, trial, judgment, and punishment according to law." The indictment must be by grand jury. The trial must be public and by an "impartial jury." The accused must be "informed of the nature and cause of the accusation."

It was never the intendment of the Constitution that a legislative body should take over investigation and prosecution of criminal cases. It is a question whether the present investigating committees are not exceeding any authority ever intended to be given them by act of Congress.

Certainly it was never the idea of the framers of the Constitution or of American jurisprudence that the legislative branch of the Federal Government should stand over the National Executive as with a flaming sword and demand the heads of this man and that man who have fallen under its displeasure.

Is there no one at Washington in these days with backbone enough to call a halt on the "rump" court? Can not the guilty be reached by legal means? Or are we going to have a Government of anarchy?

Mr. WALSH of Montana. The Rocky Mountain News, it will be borne in mind, is owned and published by one John C. Shaffer, whom the committee caught red-handed with $90,000 of blood money that he got out of the Teapot Dome transaction.

Mr. CARAWAY. Mr. President, may I ask the Senator whether he would not have gotten some more, too, in another contract if the committee had not interfered with him?

Mr. WALSH of Montana. Yes; that was not quite all.

Mr. President, the speech of the Senator from Pennsylvania [Mr. PEPPER], as I understand, was delivered in Portland, Me. I am prone to believe that the honest opinion of the country, and particularly of New England, is expressed rather in an editorial in the Christian Science Monitor, published in the city of Boston, in its issue of March 24, 1924, which is so important, I think, in this connection, as to justify reading it from the desk. I ask that the Secretary read it.

The PRESIDING OFFICER (Mr. STERLING in the chair). Without objection, the Secretary will read as requested.

The reading clerk read as follows:

A JOB TO BE FINISHED

Revolting the revelations being brought out by the various investigations at Washington may be. It is possibly true that, as an excitable Representative in Congress from Illinois reports on the return from a trip to Habana, they are injuring American prestige abroad. Unquestionably they are breaking down public confidence in many men hitherto supposed to have been statesmen who are shown to have been mere self-seeking intriguers. Doubtless it is an unfortunate fact that in the general revulsion of feeling created by these exposures there has been a tendency to condemn men who were innocent of any moral turpitude, but whose names have been dragged into the inquiry because of their personal association with others not so guiltless. But, admitting all this, shall the very apparent effort to put a stop to the investigations and to soft pedal further publicity along this line be approved?

That such an effort is already launched is only too apparent. Newspapers which have reveled in the publication of page reports of the inquisition now suddenly declare it nauseating, and insist that it shall be discontinued. Some prominent figures in Washington take up the chorus, and add to the condemnation of the investigations as being hurtful the further plea that Congress is so engaged in this form of muckraking that it can not perform its regular functions. Old-timers in politics, however, will be inclined to see in this sudden desire to put a quietus upon the investigating activities of Congress a suggestion that perhaps those investigations have reached a point at which there is real danger that something of vital importance, affecting those individuals usually described as "the man higher up," is likely to be revealed.

Even if everything which is argued against these investigations were true, they, nevertheless, are accomplishing a useful purpose. Cleaning the Augean stables was never described as a savory task. No house, whether it be individual or governmental, was ever put in order without raising a good deal of dust and involving the necessity of throwing out a lot of unserviceable furniture. It is the plain duty of those who have embarked upon these investigations to carry them out to the point at which there shall no longer be any mystery left undetermined. To abandon any of them now would be to leave individuals of more or less prominence in the public service under the burden of suspicion, based upon partial evidence. The evidence should be made complete, and the suspect be either wholly cleared or condemned.

It is not apparent at the present moment that either political party is left unscathed by the revelations made in these investigations. But whether these revelations shall prove destructive to the immediate hopes of either party, or whether they shall so involve in a common slough of disgrace both parties that the idealists who look to a third party as the way out may be mightily encouraged is not important. What is important is that the truth should be known concerning the men who are exercising the functions of government at Washington and concerning the forces, political, financial, or personal, that have put them in the places which they now fill.

Mr. WALSH of Montana. Mr. President, a most generous response has come from the country at large to the splendid address made on Sunday last by the senior Senator from Idaho [Mr. BORAH], and particularly to that part of his address relating to the subject which has been under consideration. Among the many wise and splendid editorials that have been written on the speech to which I have referred, that appearing in the Baltimore Sun of this morning is entitled, I think, to a conspicuous place. I ask that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it will be so ordered.

The matter referred to is as follows:

[From the Baltimore Sun of Tuesday, April 8, 1924]

GIVE THE PEOPLE THE TRUTH

The distinctive appeal of Senator BORAH'S speeches nearly always is not only in the intellect, eloquence, or courage that he puts into them but in the characteristics of moral and political health. His speech on Sunday, dealing with the Government scandals, is an illustration. We have no doubt that wherever that speech is read it will evoke warmer commendation than any other speech on that subject, and yet the only notable feature is its simple valuation of the present and direction for the future.

Of course it is true that Senator BORAH simply voiced the refreshing truth when he declared there is no just Republican complaint because the Democrats uncovered the scandals. If the unthinkable proposition were assumed that all the Democrats concerned lacked patriotism, it still would be true that partisan rivalry, inherent in the two-party system, never served a better cause. The moral and political health of the American people permits but one answer to the question whether the Democratic course was right, but it remained for Senator BORAH to give that answer from the Republican side. How admirable would have been Senator PEPPER'S Maine speech had he coupled with his frank admission of Republican sins the frank concession by Senator BORAH of the propriety of the Democrats' actions!

Of course it is true, as Senator BORAH said, that the decency of the Government is menaced by the practice of both parties not only accepting but seeking huge campaign contributions from men of great wealth, when it is plain to those of the least experience that the purpose of the donors is to set up a claim on the party voted into power. The practice leads to party betrayal, as distinguished from personal betrayal, of the public by its servants. The only unusual phase of this part of the Borah speech is the clarity of judgment and morals that is shown by a foremost party leader. It is in sharp contrast to the virtual understanding between Republicans and Democrats, often observed in the past, to maintain silence on the subject.

Of course it is true that Senator BORAH uttered an eternal verity of free government when he summed his whole speech and argument in these words:

> "The danger arises not out of criticism and exposure but out of a tacit truce between the great parties that they will not criticize or expose the evil practices."

There is a widespread contention that to preserve respect for the Government and for public officials there must be suppression of the facts of such scandals as the Fall administration of the Interior Department, the Daugherty administration of the Department of Justice, and the Forbes administration of the Veterans' Bureau. This contention frequently takes as its exhibit the evil done to the minds of the masses by the newspaper accounts of these scandals and the investigations of them.

The fact is that such a contention is equivalent to a contention that respect must be preserved for that which is not respectable, and that it may be preserved by silence. The contention is against the clearest teaching of human experience. It is not possible long to maintain respect for the dishonorable by any expedient of silence. The facts break through. Equally it is not possible long to deprive the respectable of respect. Again, the facts break through. It is not always easy to show how the facts break through in either case, but every seasoned man or woman knows they do.

Freedom from suppressions, freedom from censorships! That is the wise policy for a free people. Let the newspapers and all other agencies of communication tell all they can learn. If the American people have character, they will divide the sheep entitled to respect and the goats entitled to contumely; if they have not character, no devices of suppression, no hiding of sores and pollutions, can save them.

It is good to have Senator BORAH talking these simplicities in these days of apprehensions of the capacity of the American people to deal with the whole truth.

Mr. McKELLAR. Mr. President, I want to call particular attention also to a statement made by the distinguished Senator from Idaho [Mr. BORAH] about these investigations. I take it that there is no person in the United States who knows him who does not have the highest admiration for the high and splendid character of the senior Senator from Idaho [Mr. BORAH]. He said:

> I am not one of those who complain of the Democrats because of anything that they have contributed to the revelations which have been brought about.

Mr. DILL. Mr. President, when the Senator from Pennsylvania [Mr. REED] was discussing the Japanese amendment, I asked him why we should establish a quota now when we never have had a quota for the Japanese. He promised to answer the question. Others interrupted, and it may be that the discussion which he entered upon later he intended as an answer; but I did not hear any specific explanation of why a quota should be established now, under the immigration act, when we have not had a quota in the past.

Mr. REED of Pennsylvania. Mr. President, I can answer in 10 words, if the Senator will permit the interruption.

Mr. DILL. Yes.

Mr. REED of Pennsylvania. As an additional check against Japanese immigration.

Mr. DILL. The Senator says the purpose is as an additional check against immigration; but once he has established the precedent of a quota, then to discontinue that precedent in the future might arouse unfriendly feelings on the part of the Japanese people.

We are not having any serious trouble with Japan now. If we adopt a quota system in the future, we must always use some such census basis as 1890, or we shall soon have large numbers of Japanese coming into this country. So it seems to me that there is no argument in the mere statement that it will be an additional check upon immigrants to establish a quota, because, if that were true temporarily, the evil effects resulting later on certainly would not justify even the temporary check.

But, Mr. President, I want to discuss another subject, and I take the time of the Senate on this other subject because of the fact that a speech was made by the Senator from New York [Mr. WADSWORTH] attacking me while I was away last week.

On March 31 I introduced and caused to be read for the information of the Senate a certain resolution reciting certain facts concerning Theodore Roosevelt, the Assistant Secretary of the Navy, in connection with the leasing of the naval oil reserves, and requesting the President to bring about his resignation. I made no statement at that time, because other matters were before the Senate and also because I felt that whatever statement I had to make should be reserved until the resolution might be up for consideration. Late that afternoon the Senator from New York [Mr. WADSWORTH], unable to contain himself longer, rose and proceeded first to attack me for introducing the resolution, and then tried to clear Mr. Roosevelt of all connection with these fraudulent oil leases by causing to be read into the RECORD a certain letter which Mr. Roosevelt wrote in self-defense in February of this year, when the whole country was aroused to white heat against those who took part in these transactions.

The Senator from New York referred to me as a "political sniper." He said I was trying to besmirch the name of a public official, and charged that by innuendo I was trying to create the impression that Mr. Roosevelt's actions in connection with these naval oil leases were actuated by corrupt motives.

Mr. STANLEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kentucky?

Mr. DILL. Yes; I yield.

Mr. STANLEY. I read with some interest the attack upon the Senator for his "gratuitous assault" upon a name that is sacrosanct in New York circles. I hope the Senator will pardon me for a suggestion. There may be nothing in it; but, just for the fun of the thing, to find out whether you are right or not, why not summon Mr. Theodore Roosevelt and ask him under oath if, while he was Assistant Secretary of the Navy, he knew anything of the organization of the Mammoth Oil Co., which company was the reeking, guilty octopus that was to take over the vital oil of the Nation. Ask Mr. Roosevelt then what he charged, if anything, for his services in the organization of the Mammoth Oil Co. or such other oil companies as Mr. Sinclair was interested in, and then ask him what they paid.

The funny part would probably be the difference between the Rooseveltian conception of himself and Sinclair's conception of Roosevelt. There may be nothing in it; but if you send for Mr. Roosevelt you may have a pleasant surprise, under oath.

Mr. DILL. I thank the Senator for the suggestion, and I think Mr. Roosevelt will be asked that and some other questions before these committee hearings are closed.

I was referring to the fact that the Senator from New York [Mr. WADSWORTH] referred to me as a "sniper," who had lifted my rifle above the political trenches to pick off a member of the administration. The Senator from New York is the chairman of the Committee on Military Affairs, and he likes to use military phrases to adorn his language, I take it. It is only on that assumption that I can understand why he referred to me as a political sniper in this matter, because certainly if he had been familiar with the facts he would not have so referred to me. A sniper is one who is in the advance trenches, who is up in front, opening the way for the great attack that is ahead of the army. I was sworn in in the Senate too late to have any part in making the attack, opening the way for the advance, but if I had been in the Senate at that time, I want to say that I hope I would have been somewhere in the great army that made the attack upon these corrupt oil leases, instead of being a straggler in the rear, as the Senator from New York has been, or attempting to defend some of those who are guilty, as he did on this floor on the 31st of March.

I was not permitted to be in the advance ranks, but I am rather a part of the mopping-up gang, which goes over the ground that has been newly won and cleans up the dugouts, and exposes any machine gun nests which may be in ambush, in order that, when the great army goes on before, there will not be lurking in the rear those who will shoot from behind.

After the resignation of Mr. Denby, while Mr. Roosevelt continued as Acting Secretary of the Navy, he announced a policy for conserving these oil reserves if they were returned to the Government through the efforts of the attorneys who are now fighting in the courts to undo the leases of which he approved, and in the making of which he was a part.

Mr. WADSWORTH. Will the Senator yield?

Mr. DILL. I yield.

Mr. WADSWORTH. Will the Senator point out the testimony which indicates that he approved the leases?

Mr. DILL. I will, if the Senator will contain himself. I shall read from the RECORD to prove the statement I made when I said he approved these leases. But I ask the Senator from New York to let me read that in my own orderly way.

I stated that the then Acting Secretary of the Navy announced certain policies to protect these oil reserves that had already been stolen from the Government, and when he did that it seemed to me the time had come when the people of this country ought to know the record of this man, who is in the Navy Department, and who has a policy to save oil reserves which he helped to permit to go out of the control of the Government. In order that the Senate and the country may know exactly what the record of Mr. Roosevelt is in connection with these leases, and in order that there may be a permanent record of his attitude and official actions in this connection, I shall restate to-day the facts shown in the hearings, nearly all of which are taken from the testimony of Mr. Roosevelt himself, under oath. If these facts besmirch his name, as the Senator from New York complained that my resolution did, or if they indicate that he was actuated by corrupt motives, as suggested by the Senator in commenting upon the recitals in the first part of the resolution, then that is the fault of Mr. Roosevelt, and not of those of us who set down these facts in cold black type.

The testimony, as recorded in the hearings of the Committee on Public Lands and Surveys, as I shall read it in a few moments, shows that Theodore Roosevelt was Assistant Secretary of the Navy at the time these oil leases were negotiated. He was consulted about and finally approved the transfer of these naval oil reserves from the Navy Department to the Interior Department. He personally carried the Executive order to the White House for the President to sign which made possible the leasing of the reserves by Mr. Fall. He approved of the policy outlined in the terms of these leases, and on the mere verbal request of Secretary Fall, he personally, as Acting Secretary of the Navy, while Mr. Denby was away, used the armed forces of the United States, the United States marines, to assist Mr. Sinclair, the lessee of the Teapot Dome, to clear off oil squatters and oil claimants, a procedure that should have been handled in the legal way, by the courts, under the orders of the court. That was a most outrageous use of the marines, and it was worth literally many more thousands of dollars to Mr. Sinclair's company than all of the raises in salary to Archie and all the salary paid Archie in the nearly four years of service from the time Theodore secured him the position with Sinclair. It was because of this unusual and unlawful use of the marines by Mr. Roosevelt, as Acting Secretary of the Navy, that I deemed it important then, and that I deem it important now, that the fact that he was a member of the Sinclair organization should be set out in the resolution.

Now I want to call attention to his actions when the public became aroused against those who made the oil leases, after their fraudulent and unfair terms were made known, and public opinion had risen to a white heat against those who were responsible.

Whatever else we may say against him, Mr. Denby faced the storm that broke upon him. He said, "I approved those leases then. I approve them now. If I had it all to do over again, I would do the same thing." He was true to the traditions of men of the sea. He had built that ship, he had commanded that ship, and he went down with that ship, and if I had been a member of the official crew, the assistant in command, and had approved the actions of my chief, when the storm of public disapproval came, I would never have paddled off in some little political expediency canoe, or permitted my friends to carry me away on a raft of ancestral glory. I would not have tried to hide out on some island of ignorance and irresponsibility, or seek some quiet nook of partisan protection when the storm broke about me. No; I would have stayed with the ship, I would have stood by my chief, and if the ship went down I would have gone down with the ship, and allowed a record to stand of a man who stood by his chief, and who took the punishment that is meted out to a public official who is faithless to his trust. I may add that when Denby's ship went down, the last thing we saw was his flag of defiance flying at the mast, and I say that to his credit as a man who stands by his deeds.

What about Mr. Roosevelt, the Assistant Secretary of the Navy, and sometimes Acting Secretary of the Navy? What did he do? On February 15, 1924, while his chief was battling against every kind of attack, he prepared his own letter of self-defense and addressed it to State Senator William W. Campbell, Albany, and at the close asked Mr. Campbell to keep it out of print until after Denby was driven out of office, because, as he put it—and I want to quote his language—"I don't want at this time to look as if I were trying to 'run out' on Secretary Denby in his time of trouble."

As soon as the resolution is introduced reciting a part of the record of the hearings, the senior Senator from New York immediately rushes upon the floor with a copy of the self-defense letter, by which it is hoped Mr. Roosevelt can now "run out" on Secretary Denby by saying that he had nothing to do with the leases, and did not know about the Sinclair lease until after it was executed. In order to fortify himself still further, Mr. Roosevelt had secured from Admiral Griffin a letter to confirm his statement that they had talked over the proposed transfers of the oil reserves to the Interior Department, and that he, Theodore, had secured an amendment to the Executive order, as originally proposed, so that whatever might be done with the oil reserves, the act must have the O. K. of the Secretary or the Acting Secretary of the Navy.

In a moment I shall read Mr. Roosevelt's testimony on this subject, in order that it may stand in contrast with this statement made a few months later, when the Assistant Secretary of the Navy was getting ready to "run out" on his chief.

Mr. President, I desire first to call attention to certain statements of this self-defense "run-out" letter, by which the Senator from New York hastened to exonerate Mr. Roosevelt. Reading from the letter on page 5268 of the CONGRESSIONAL RECORD of March 31, Mr. Roosevelt in self-defense said, and I quote from the letter:

> My connection with the oil leases is, briefly, as follows: Shortly after President Harding's induction into office Secretary Denby sent me a copy of a proposed Executive order transferring the naval oil reserves to the Department of the Interior without recourse.

That statement indicates that this is the first time he had ever heard about it. This is a letter written, mind you, when the storm of public wrath is breaking about the men responsible for these leases. On page 394 of the hearings before the Committee on Public Lands and Surveys, on October 27, 1923, before all of the public agitation had been aroused, the senior

Senator from Montana [Mr. WALSH], referring to the Executive order, said to Mr. Roosevelt:

Colonel Roosevelt, when did you first learn of the consideration of the subject which resulted eventually in this order?

The subject, of course, being the transfer of the naval oil reserves.

Assistant Secretary ROOSEVELT. As I recall it, Senator, it was after a Cabinet meeting. The Secretary returned to the department and told me that this subject had come up for discussion at a Cabinet meeting.

Senator WALSH. And can you fix the time with reference to the date of the order, which is May 31?

Assistant Secretary ROOSEVELT. No; except that it was probably a number of weeks before.

A number of weeks before!

Senator WALSH. Could you fix it, say, with reference to the time that the new administration came in on the 4th of March, 1921?

Assistant Secretary ROOSEVELT. No; I could not accurately, except that I know that it was quite a while later. I mean it was not immediately upon the new administration coming in.

Senator WALSH. Admiral Griffin told us yesterday that it was about the 1st of April that the Secretary first spoke to him about it. Would that accord with your recollection?

Assistant Secretary ROOSEVELT. That would accord approximately with my recollection. It was some time in April, I should say.

Senator WALSH. Now, did you canvass the subject with your superior, the Secretary?

Assistant Secretary ROOSEVELT. At that time?

Senator WALSH. At any time prior to the issuance of the order?

Assistant Secretary ROOSEVELT. I discussed it in general with him; yes, sir.

I call the Senate's attention to the difference. In the self-defense "run-out" letter Roosevelt leaves the impression that his first knowledge of the subject was on the day the proposed order was handed to him. In his testimony before the committee, before he was "running out" on his chief, Secretary Denby, it was six weeks or two months before; that is, about April 1, or some time in April.

Now, reading again from the self-defense "run-out" letter, I find that after relating that Admiral Griffin had insisted that the transfer of these oil reserves to the Interior Department would be a mistake, Mr. Roosevelt writes:

I went to the Secretary and urged that the lands be not transferred to the Interior Department. He informed me that my protest in the matter was made too late, because the transfer had already been agreed to by the President, Fall, and himself.

That is in this self-defense letter. In the hearings, on page 395, after some questions as to the different discussions Mr. Roosevelt had had with Secretary Denby on the subject of the transfer of the oil reserves, Senator WALSH asked:

Well, did you at the time form any definite opinion of your own as to the wisdom or unwisdom of making the transfer?

Notice the answer:

At that time I was not personally in favor of making the transfer, but I became convinced afterwards that it was the correct thing to do.

That is what he told the committee.

Senator WALSH. How long afterwards, Colonel?

Assistant Secretary ROOSEVELT. I could not give it to you in days, but I became convinced after going over the people and the machinery necessary to look out for oil work, that we were not provided with sufficient practical machinery in our department to take care of the development which circumstances had made necessary, and that therefore the Secretary's decision was correct in the matter. I could not tell you how long after I came to the conclusion, however, Senator.

In this connection I desire to call attention to the fact that Archie's salary was raised from $6,000 a year to $10,000 on May 1, 1921, and Theodore came to the conclusion in favor of the transfer of the oil reserves, "that was the correct thing to do," some time between April 1, 1921, when he first heard of the proposal, and May 31, 1921, when he carried the Executive order to the President. Archie's other salary raise had been on February 21, 1920, but the $4,000 raise was a year and two months later, just 30 days previous to May 31, when Theodore carried the Executive order to the White House, to use his own language, "in my hand." That language will be found on page 396 of the hearings.

Will the Senator from New York please take notice that I am not making any charges or arriving at any conclusions or suggesting any corrupt motives by anybody. I simply set down the facts and call attention to certain chronological coincidences in connection with Archie's increase in salary by Sinclair and Theodore's conclusion that the oil reserves should be transferred to Fall and the carrying of the Executive order to the White House "in my hand" by Theodore, for it is worthy of remembrance here that the carrying of the Executive order and getting it signed was the first necessary step in this conspiracy to give away and sell the oil reserves.

Another striking fact about Mr. Roosevelt's opposition to the transfer of the oil reserves from Denby to Fall is that he made no written protest nor any public protest of any kind at that time. He tells us about it in his self-defense, "run-out" letter of February 15, 1924. When Admiral Griffin opposed the transfer of the oil reserves he put his protest into writing at that time and when the investigating committee examined the records of the Navy Department the protest was there. It is so clear, so straightforward, that I desire to have it printed at this point in my remarks that it may stand in striking contrast to the self-defense statement of Mr. Roosevelt made some two years later. Of course it will be remembered that in the hearings before the investigating committee Mr. Roosevelt said that while he was opposed to the transfer he became convinced that it was the right thing to do. I ask that I may insert the letter of Admiral Griffin, without reading, at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The letter is as follows:

NAVY DEPARTMENT,
BUREAU OF ENGINEERING,
Washington, May 27, 1921.

Memorandum for the Secretary of the Navy.
Subject: Naval petroleum reserves.

The position of the Navy Department with respect to control of the naval petroleum reserves has for the past nine years been that this control should rest with the Navy Department, because the Navy Department is the one most vitally interested in conserving for its ships a supply of oil which will be available when the present sources are getting low, and also because the Navy Department alone is responsible for the efficiency of its ships and their ability to fulfill the requirements laid down in their design with respect to speed. These requirements are impossible of attainment with coal.

It was with this idea of conserving in the ground a supply of oil that the Secretary of the Navy in 1908 initiated correspondence with the Department of the Interior which resulted, in 1909, in the withdrawal from entry by President Taft of certain oil-bearing lands in California. These lands were in 1912 set aside by President Taft as a naval petroleum reserve "for the exclusive use and benefit of the United States Navy." Later, in 1915, certain lands in Wyoming which were withdrawn in 1909 and 1910 were also set aside as a naval petroleum reserve.

The validity of the first order of withdrawal was contested in the courts and finally carried to the Supreme Court, which decided in favor of the Government.

During the past 10 years a number of so-called leasing bills have been introduced in Congress, all having as their ultimate purpose the opening up to lease of the naval petroleum reserves. Passage of these bills was resisted by the Navy Department, supported by the Department of Justice, because the paramount purpose was to retain oil in the ground. Oil was then cheap and the quantity used by the Navy was small, but as time passed it became increasingly evident that in a short while oil would become a comparatively scarce commodity and that its price would increase accordingly. This further emphasized the importance of retaining the oil in the ground. Recognition of this principle was given by the Southern Pacific Co., who own valuable lands in the same locality, and who up to a few years ago drilled only offset wells on their property.

The various bills that were presented to Congress culminated in the passage, February 25, 1920, of what is known as the leasing act, which authorized the Secretary of the Interior to lease only producing oil wells within the naval petroleum reserves, and expressly provided that prospecting permits should not be granted on lands "reserved for the use of the Navy."

Following the passage of this act, and presumably because it was believed that the leasing act did not clearly enough define the authority of the Secretary of the Navy over the naval petroleum reserves, the naval appropriation act of June 4, 1920, contained the following provisions:

> "That the Secretary of the Navy is hereby directed to take possession of all properties within the naval petroleum reserves on which there are no pending claims or applications for permits or leases under the provisions of an act of Congress approved February 25, 1920, * * * or pending applications for patent

under any law; to conserve, develop, use, and operate the same in his discretion, directly or by contract, lease, or otherwise," etc.

The Secretary of the Navy is here clearly "directed" by Congress to—

Take possession of the naval petroleum reserves, to conserve them, to develop them, to use and operate them, in his discretion.

And it would seem that this duty can not legally be transferred to another.

The reason why the Navy has always insisted on control of these lands is that it has such vital interest in them that it can not be imagined that another department, and especially one whose function is the development of public lands, could possibly have the same interest in safeguarding the Navy's interest and in seeing that these lands were reserved—as was directed in President Taft's order of withdrawal—"for the exclusive use and benefit of the United States Navy."

Oil is vital to the Navy's needs. In two years the entire active fleet will be composed exclusively of oil-burning ships. They have been designed solely for oil and can not be converted to the use of coal. Even if such conversion were possible, the effect would be to make the ships so inferior to the ships of a nation that could command an oil supply as to amount practically to the loss of millions of money that have been spent in their construction.

It is submitted that the naval petroleum reserves are not public lands such as are usually under control of the Department of the Interior. These lands were in the 1909 order of withdrawal expressly—

"withdrawn from all forms of location, settlement, selection, filing, entry, or disposal under the mineral or nonmineral public land law."

And the orders of 1912 and 1915 assigning certain of them as "naval petroleum reserves" for the exclusive use and benefit of the United States Navy would seem to remove them as completely from the domain of public lands as any other land under the control of the Navy Department.

R. S. GRIFFIN.

Mr. DILL. The Senator from Utah [Mr. KING] calls my attention to a protest filed by Commander Stewart. I think that is true, but I do not have a copy of it here.

Now, Mr. Roosevelt takes great credit for the amendment to the Executive order providing that whatever leasing policy is adopted regarding the oil reserves must be approved by "the Secretary or the Acting Secretary of the Navy." Well, of what value was that provision? It only serves now to fasten more firmly the guilt for making these leases on "the Secretary or Acting Secretary of the Navy," which guilt Mr. Roosevelt would now escape, and for which the Senator from New York attempts to prove Mr. Roosevelt could not be blamed because of the statements put up in his self-defense "run out" letter which he wrote for use on just such an occasion as the introduction of this resolution.

Mr. Roosevelt further explained that after securing the signature of the President to the Executive order his active participation in the matter ceased. He adds, and I read from the letter again, the self-defense run-out letter:

It so happened that I was not consulted on any of the oil leases. I did not know they were under contemplation until they were signed. With reference to the Teapot Dome lease in particular, I did not know there was a plan on foot to lease Teapot Dome. I did not know Sinclair was interested in any of the leases. I heard of them only after they had been made known to the general public.

Now, clearly the purpose of that statement is to free him from all responsibility in the public mind in connection with those leases. But let us see what Mr. Roosevelt said to the investigating committee on October 23, 1923, when he came back to testify the second time. I call this to the attention of the Senator from New York. On page 417 of the hearings he opened the hearings with this statement. He came back that morning to testify. He had previously testified. He opened with this statement before any question had been asked him:

Mr. Chairman, with your permission I would like to make this statement: At the hearing on Saturday, while Senator WALSH was questioning me, I was not asked whether I had any connection with or knowledge of the signing of the Teapot Dome lease. I did not volunteer the fact that I did not, because I felt to do so would be to carry the impression that I disapproved the lease, which is not the case.

"Which is not the case!" said Mr. Roosevelt. "Had I volunteered the information that I had nothing to do with it I might leave the impression that I disapproved the Teapot Dome lease, 'which is not the case.'" Thus he then and there declared he approved the Teapot Dome lease.

On page 418 Senator WALSH asked this question:

Let me inquire, now that you speak about it, whether you approved or disapproved of leasing the whole reserve No. 1?

Assistant Secretary ROOSEVELT. Naval reserve No. 1 is the Teapot Dome?

Senator WALSH. No; that is naval reserve No. 3.

Assistant Secretary ROOSEVELT. Yes; on the report of the geologist that it was being drained.

Senator WALSH. What geologist reported that naval oil reserve No. 1 was being drained?

Assistant Secretary ROOSEVELT. I could not recall now, Senator, so as to be able to tell you.

On December 7, 1922, when Mr. Roosevelt was again before the investigating committee, on pages 1300–1303 of the hearings, he declared repeatedly that he knew in a general way about and approved the policy of leasing the oil reserves. He said he knew about the provisions of the leases that provided for the building of tankage to be paid for by royalty oil, so that it is clear the statement in the "run out" letter which he wrote on February 15, 1924, to the effect that he had nothing with those leases, is incomplete. The testimony shows that he approved the leases, and that he had discussed the terms of particularly the California leases with other members of the Navy Department.

The one paragraph in the self-defense letter that agrees with the testimony in the hearings on this subject is as follows, and I quote again from the self-defense letter:

In so far as my connection with the Sinclair Co. goes, it is as follows: "I was among the group of bankers who were interested in the original formation. I was a director of the company until the outbreak of the war in 1917, when I resigned. My last stock in the company was sold during the war, not later than 1918—I am inclined to think in 1917. My wife bought a thousand shares of Sinclair stock, however, in 1920, but sold them at a loss some short time before the lease of the Navy Department was signed."

Now, surely if Mr. Roosevelt could write the story of his Sinclair connection into the self-defense "run out" letter, the Senator from New York should not object to my placing it in the preamble of my resolution, and I did so because I thought it was extremely important in connection with the active and aggressive part Mr. Roosevelt had played in the transfer of the naval oil reserves from the Navy Department to the Department of the Interior and also his later actions in connection with the Teapot Dome lease.

It is significant that there is one part played by Mr. Roosevelt in all these transactions in connection with the oil leases that he entirely omits any mention of in his "run out" self-defense letter written in February, 1924. It is the part, too, with which Mr. Denby had no connection at all. He can not plead ignorance of this phase of it. He can not say he was not responsible. He can not plead the order of a superior on this part of his actions. It seems to me that Mr. Roosevelt's actions in sending the United States marines to clear off the squatters and oil claimants from the Teapot Dome three months after those lands had been leased to Sinclair involved him more deeply in this oil scandal than Mr. Denby was ever involved.

I am not surprised that he omitted reference to that action on his part. It is an embarrassing story to those who, like the Senator from New York, would shield Mr. Roosevelt from any connection with these transactions.

I shall not take the time to-day to review the story of the long struggle in Anglo-Saxon civilization by which the civil law became triumphant over the military law in times of peace. Suffice it to say that the Constitution declares in the fourth amendment that "the right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and that no warrant shall issue but on probable cause supported by oath or affirmation, particularly describing the place to be searched and the persons or things to be seized." The third amendment provides that "no soldier shall in time of peace be quartered in any house without the consent of the owner." Those are provisions of the Constitution, Mr. President, and they are but the expression of the long-established unwritten law of English civilization that the military is not to be superior to the civil authority. But what was the Constitution when Mr. Sinclair wanted these squatters cleaned off of the land that he had leased three months before? What was the Constitution when Mr. Fall simply asked Mr. Roosevelt to send the armed forces of the United States to do the work that should have been done only under the orders of court after the proper steps had been taken in a court of law?

Now, for fear that I may be accused of attempting to besmirch the character of Mr. Roosevelt or to blacken the Roosevelt name

by my own description of what happened, I want to read from the record of the hearings by the investigating committee the statement of Maj. Gen. John A. Lejeune, March 13, 1924, in the temporary report of the hearings, page 5405.

Major General Lejeune was the commander of the marines. The Senator from Montana [Mr. WALSH] asked him to tell just how it came about and what happened to cause him to order the marines to clear off the squatters on the Teapot Dome. Major General Lejeune, testifying under oath, stated:

Major General LEJEUNE. * * * On the afternoon of July 29 of that year the Acting Secretary of the Navy, Col. Theodore Roosevelt, sent for me and told me very briefly to select an officer to send out to the vicinity of Casper, Wyo., where the naval oil reserve was located, and to send with him a small detachment of men for the purpose of ejecting one or more trespassers from the naval oil reservation. He also said that he though we had better go over and talk to the Secretary of the Interior, who was familiar with all of the details. He called up the Secretary of the Interior and made an appointment, and together we went over to see him.

The conversation with the Secretary of the Interior, to the best of my recollection, was limited to the details of the duty. He said that he would send out one of the employees of the Interior Department by the same train with the officer who was going out to Wyoming, who would have in his possession the papers and documents concerning the matter. And he also gave me the names of several officials of the Interior Department at Cheyenne and at Casper, Wyo., that he would like to have the officer confer with before taking any action. It was decided that the officer should go out on the train leaving the next day, the evening of the next day, and that the official of the Interior Department would be instructed to take the same train and go out with him.

We then returned to the Navy Department; and in the meantime I had selected Captain Shuler, to whom you just referred, as fulfilling the specifications that the Acting Secretary of the Navy had prescribed—that he must be an officer of tact and discretion and sound judgment. I communicated with Captain Shuler over the telephone and had him come right up to the office—he was stationed here at the Marine Barracks in this city—and discussed the matter briefly with him, and told him that he had better go over and see the Secretary of the Interior in order to obtain the details of the duty that he was to perform from him first-hand.

He did go over, and on his return his orders were drawn up, and, so far as I was able, the letter of instructions, which contained such information as I had been furnished with by the Secretary of the Interior. It was decided that he would take with him four enlisted men from the Marine Barracks whom he personally knew to be men that could be trusted, men of intelligence and of ability and of good conduct, good character.

I wish to read a few of the questions and answers regarding this matter, which will be found on page 5409:

Senator WALSH of Montana. * * * What did Secretary Fall say to you about the conditions making it necessary or desirable to send the marines out there?

Major General LEJEUNE. He said that there were certain trespassers on the naval oil reservation who either were actually taking oil or were about to begin taking oil from the naval oil reservation, and he would like to have them ejected.

Senator WALSH of Montana. Did you understand at that time that the lease of the reserve had been executed, General?

Major General LEJEUNE. I had general information on the subject; yes, sir. It was a matter of general knowledge that the lease had been effected.

Senator WALSH of Montana. And that the lessees were in possession of the property?

Major General LEJEUNE. Yes, sir.

Senator WALSH of Montana. Did that seem to you at the time a rather extraordinary use to make of the Army and Navy of the United States?

Major General LEJEUNE. I did not consider it from that point of view at all, sir. I had instructions.

Senator WALSH of Montana. Your practice is to obey orders?

Major General LEJEUNE. Yes.

Senator WALSH of Montana. Was the propriety or legality of the expedition considered at all?

Major General LEJEUNE. I do not doubt it was considered, but it was not discussed.

Senator WALSH of Montana. It was not discussed in your presence?

Major General LEJEUNE. In my presence, no, sir; at that time.

Senator WALSH of Montana. Was any reason offered why the ordinary civil arm of the Government was not equal to the occasion?

Major General LEJEUNE. No, sir. That matter was not mentioned in my presence at all.

Then, when the Senator from Montana had completed his questions, I myself asked him a few questions.

Senator DILL. When was this matter first mentioned to you, General?

Major General LEJEUNE. On the afternoon of July 29.

Senator DILL. And when was the order given?

Major General LEJEUNE. That afternoon.

Senator DILL. It never had been mentioned before at all to you?

Major General LEJEUNE. No, sir.

Senator DILL. And who was present when the matter was taken up with you?

Major General LEJEUNE. I think Colonel Roosevelt and I were alone in his office, and we talked very briefly and then went over to the Secretary of the Interior's office, and I made a lead-pencil memorandum of the details of the duty to be performed so that I could put them in a letter of instructions to Captain Shuler. The memorandum consisted, I think, as I recollect it, simply of the names of the officials of the Interior Department that the Secretary desired Captain Shuler to see and confer with—representatives at Cheyenne and Casper.

Senator DILL. If there had been resistance about getting off the reserve, was summary action to be taken?

Major General LEJEUNE. No instructions were given to Captain Shuler beyond carrying out ejecting these trespassers, and the whole matter was left to his discretion.

Senator DILL. Ejecting them?

Major General LEJEUNE. Yes.

Senator DILL. That is, what you mean by ejecting them is that if they refused to go was he to put them under arrest?

Major General LEJEUNE. No further instructions were given to him. He was acting——

Senator DILL. Well, what would such instructions in the Marines or the Army mean? What would the meaning be? He was to eject them in case they would resist?

Major General LEJEUNE. Why, he would undoubtedly have had to place them under arrest and remove them from the reservation. Matters of this kind frequently occur at the naval stations and navy yards, where persons who are considered to be trespassers are put off.

Senator DILL. But it is not customary, is it, General, to eject people from territory of the Government—land of the Government that has been leased to other people—is it?

Major General LEJEUNE. I don't know, sir. This is the only instance of the kind that I ever had anything to do with.

And I think it is the only instance of the kind anybody else ever had anything to do with in this Government. Then, I wish to read a few questions which were propounded by the Senator from New Mexico [Mr. BURSUM]. The Senator from New Mexico, questioning General Lejeune, asked:

Senator BURSUM. General, you had nothing to do with the policy in regard to this?

Major General LEJEUNE. Nothing whatever; no, sir.

Senator BURSUM. Your duties were simply those of an officer acting under orders from a superior authority?

Major General LEJEUNE. Yes, sir. Colonel Roosevelt told me that the request had come from the Secretary of the Interior, and we went over together to see the Secretary of the Interior, as I have already stated.

Senator BURSUM. But your orders came from your superior officer, the Secretary of the Navy?

Major General LEJEUNE. From the Secretary of the Navy; yes.

In order that somebody may not raise the question as to whether or not this is a correct statement of the situation, I wish to call attention to the testimony of Mr. Roosevelt himself, who was present during the taking of this testimony of General Lejeune and who was called to the stand immediately afterwards:

Senator WALSH of Montana. I wish you would tell us what you know about this incident we have heard from Major General Lejeune about.

Acting Secretary ROOSEVELT. General Lejeune's account is accurate. On the 29th of July, in the afternoon, I got back to my office and found a note from Secretary Fall asking me to come up for a conference with him. When I got up there he took up certain aspects of the naval reserves in Wyoming, or the Teapot Dome, informing me that there were trespassers or squatters on the reservation that were about to take out oil; that if the oil was taken out the United States Government would get no share of such oil as was taken out; and that he wanted them put off. He said that he and the President, as I recall it, wanted them put off with some marines. He then said that he had looked up the legal phases of it.

Then there was some discussion about another phase of the matter, which it is no use to bring in other than to say that he stated that he had been told that Secretary Daniels once used the marines for a similar purpose, and he had looked up the

matter since and found there was no record of anything of the kind. I see no use of introducing that into the record.

Now, Mr. President, without taking the time to read them, I ask unanimous consent to insert in the RECORD at this point the orders and the reports as in the record of the hearings as to the actual removal of these squatters and their property which was seized on the Teapot Dome lands and taken charge of by the marines.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

JULY 29, 1922.

From: The Major General Commandant.
To: Commanding Officer Marine Barracks, Washington, D. C.
Subject: Detachment for duty navy petroleum reservation No. 3, Teapot Dome, Wyo.
References: (a) Letter (travel orders) Major General Commandant, to Capt. George K. Shuler, Marine Barracks, Washington, D. C., July 29, 1922.
References: (b) Letter of instructions, Major General Commandant, to Capt. George K. Shuler, July 29, 1922.

1. You will, after consultation with Capt. George K. Shuler, United States Marine Corps, detail a detachment of four or five selected men, that may be determined after such consultation, and will direct the noncommissioned officer in charge of the detachment to proceed via Cheyenne, Wyo., to Caspar, Wyo., and there report to Captain Shuler for such duty as he may require. This detachment will be armed and equipped in accordance with the requirements of the service upon which it will be engaged, according to the instructions issued to Captain Shuler.

2. Upon completion of the duty, Captain Shuler will direct the detachment to return to the Marine Barracks, Washington, D. C., and report there.

3. The post quartermaster will furnish transportation for the enlisted men of the detachment.

4. Subsistence will be authorized at the rate of $2.25 per diem per man while on this duty.

JOHN A. LEJEUNE.

TEAPOT DOME, *August 2, 1922.*

Inventory of Mutual Oil Co. well and equipment located on the northwest corner of the southeast quarter of section 20–39–78, naval reserve No. 3, known as the Teapot Dome, as given by Dave Allman, field superintendent of the Mutual Oil Co., Salt Creek, Wyo., to B. H. Carnahan, jr., chief gauger of the Bureau of Mines.

All small equipment of this well having been removed by the Mutual Oil Co. after being ordered off by the marines.

The following equipment being on the ground at the time this inventory was taken:

One 500-barrel Columbia tank and connections.

Two 500-barrel Columbia tanks and connections; all 2-inch service lines, connected to tanks and boilers.

One 50 horsepower Donovan boiler, complete, less pop valve, steam gauge, and injector.

One 12 by 12 Ajax engine, complete, No. 21188; all water lines and steam lines into derrick complete.

One standard rig complete.

Five-inch rig irons.

Five by five double drum, double friction and reel.

One steel tug on band wheel and calf wheel (complete).

Three thousand five hundred feet by nine-sixteenth-inch sand line.

Three thousand two hundred and fifty feet by seven-eighth-inch drilling line.

Seven hundred and fifty feet 1-inch casting line; strung.

One 44-inch triple block, steel;

One 7-inch casting hook;

One Rex steel crown block, 7 sheaves;

One set, 5-inch tool wrenches (2 wrenches);

One solid wire line socket;

One set (2) 5¼-inch drilling jars;

Three ¾-inch box and pin;

One 5-inch by 30-foot drilling stem;

Three ¾-inch pin, 4½ box;

One 10-inch all-steel drilling bit;

One 9-inch by 20 feet derrick bailer;

One channel iron derrick crane;

One steel forge;

One hundred and eleven joints 8¼, 28-pound casting.

TEAPOT DOME, *August 3, 1922.*

One 44-inch triple block and
One 7-inch casing hook;
Removed by the Mutual Oil Co. this date.

B. H. CARNAHAN, Jr.,
Chief Gauger.

DEPARTMENT OF THE INTERIOR,
BUREAU OF MINES,
Salt Creek, Wyo., August 4, 1922.

I, the undersigned, do hereby certify that while I am now living in a house located on the northwest corner of the southeast quarter of section 20, T. 39 N., R 78 W., that I do not now claim and will not in the future claim any title or equity to the surface rights or minerals to be produced from any portion of naval reserve number three (3), and that I am not now in the employ of the Mutual Oil Co.

PERRY COOLEY.

Witnesses:
JAS. ELLIOTT.
W. J. DOOLEY.

MARINE BARRACKS,
Washington, D. C., August 25, 1922.

From: Capt. George K. Shuler, United States Marine Corps.
To: The Major General Commandant, Marine Corps Headquarters, United States Marine Corps, Washington, D. C.
Via: Official channels.
Subject: Report of duty performed on naval oil reserve No. 3, Teapot Dome, Wyoming.
References: (a) Orders Major General Commandant, July 29, 1922.
(b) Instructions Major General Commandant, July 29, 1922.

1. I have to report that I left Washington July 30, and arrived at Casper, Wyo., at 7.30 a. m., August 2, 1922. A detachment of marines consisting of First Sergeant Harry P. Hutton, Gunnery Sergeant Ollis V. Cooper, Sergeant Alfred E. Boren, and Corporal Victor Porkalob from the Marine Barracks, Washington, reported to me upon my arrival at Casper, Wyo. I was accompanied from Washington by Mr. A. M. Ambrose, chief petroleum technologist, Department of the Interior, Washington. En route at Cheyenne, Wyo., I was met by Mr. F. V. Tough of the United States Bureau of Mines, Mr. M. D. McInery, Mr. G. C. Hair, and Mr. W. B. Burt, of the United States General Land Office. These gentlemen accompanied me from Cheyenne. At Casper we were joined by Mr. R. C. Patterson, Mr. W. A. Drake, and Mr. B. H. Carnahan, officials of the Bureau of Mines. The entire party proceeded by automobile to the naval oil reserve No. 3, otherwise known as the Teapot Dome, arriving there at 9.50 a. m.

2. I was shown an oil drill in active operation and was told by Mr. Patterson that the drill was the property of the Mutual Oil Co. and was being operated by them. I was also told by Mr. Patterson that the Mutual Oil Co. had trespassed and drilled without authority upon the naval reserve. There was a barb-wire fence about 4 feet high entirely surrounding this drilling rig. As I approached this fence I spoke to and introduced myself to a gentleman who said his name was Harry O'Donnell. He was standing inside the fence. I asked him if he was in charge of the work there, and he said that he was a representative of the Mutual Oil Co. I told him that I had orders from the Secretary of the Navy to stop all operations on that part of the naval reserve, and as commandant of this reserve I wanted all drilling to cease immediately. Mr. O'Donnell stated that his orders were not to allow anyone inside the fence and that he could not give orders to the drillers to stop work. I replied that my orders superseded any that he might have and asked him to send for the boss driller. Mr. O'Donnell did this, and I told the driller, Harry Martin, that he must stop drilling immediately and secure the rig. We then opened the gate and went inside the inclosure. After a short conference with Mr. Tough, Mr. McInery, and Mr. Ambrose, I wrote out and delivered to Mr. O'Donnell the following instructions: 1. Pull the tools. 2. Set on wrench on rope socket. 3. Put out boiler fires and drain water lines, work to start immediately and be prosecuted without delay.

3. The driller immediately proceeded to carry out my orders. At 10.21 a. m. I placed a seal marked "United States Bureau of Mines, No. 1546," on the drilling line. About 11 a. m. Mr. D. E. Allman, field superintendent of the Mutual Oil Co., arrived. I told him the orders I had given, and he asked me if I would allow him to remove the small tools and gear that might easily be stolen, were the place left without a guard. I consented, and under directions of Mr. Allman this work was done. I gave orders that an inventory be taken of the property left at the well by the Mutual Oil Co. Attached herewith is a copy of the inventory made by Mr. D. H. Carnahan, of the Bureau of Mines, and Mr. Allman, of the Mutual Oil Co. Arrangements were made with the Fensland Oil Co., whose property adjoins the naval reserve, to furnish meals for the detachment of marines. I made my headquarters in the office of the Bureau of Mines, Salt Creek, Wyo. At about 10.20 a. m., August 3, Mr. Allman reported that he had removed all small equipment from the rig, so I gave orders that from that time on no one would be allowed within the fenced inclosure without my permission. We remained at the well until the next day, August 4, when I directed the detach-

ment of marines to return to the Marine Barracks, Washington, and reported my duty completed. I went to Denver, Colo., arriving August 5, and was ordered by telegraph to remain for further instructions. Telegraph instructions were sent me August 17 to return to Washington. I arrived in Washington August 20.

4. There is attached herewith a certificate from Mr. Perry Cooley, whom I found living with his wife and young daughter in a one-room house on the naval reserve. I questioned Mr. Cooley and he informed me that he was living there temporarily while he was employed by the Fensland Oil Co. on road work. His wife was employed by the Fensland Oil Co. as a cook. I told Mr. Cooley that I had no objection to his occupying this house, and that as far as I was concerned he could stay there. The witnesses to Mr. Cooley's signature are employees of the Fensland Oil Co., of Salt Creek, Wyo.

GEORGE K. SHULER.

(Two inclosures.)

THE SECRETARY OF THE INTERIOR,
Washington, August 28, 1922.

Hon. EDWIN DENBY,
Secretary of the Navy.

MY DEAR MR. SECRETARY: I want to take this opportunity to express my appreciation of the results obtained by your department in the ejection of certain trespassers on the SE. ¼ sec. 20, T. 39 N., R. 78 W., naval reserve No. 3, Wyoming.

I have been informed by representatives of this department, who were in the field at the time, that Capt. G. K Shuler, of the Marine Corps, took charge of this land; that he was courteous, tactful, and yet firm in issuing orders for the removal of the trespassers The selection of Captain Shuler for the accomplishment of this task was evidently a wise one.

Respectfully, ALBERT B. FALL, *Secretary.*

SEPTEMBER 5, 1922.

From: The Secretary of the Navy.
To: Capt. George K. Shuler, Marine Corps.
Via: The Major General Commandant.
Subject: Letter from the Secretary of the Interior regarding ejection of trespassers from naval reserve No. 3, Wyoming.
Inclosure: One.

1. There is inclosed herewith a copy of a letter from the Secretary of the Interior in which he expresses his appreciation of the results obtained by the department in the ejection of certain trespassers on naval reserve No. 3, Wyoming.

2. The department has noted with pleasure the fact that you performed this unusual duty to the entire satisfaction of all concerned, and has directed that a copy of the inclosure, together with a copy of this letter, be filed with your military record.

THEODORE ROOSEVELT, *Acting.*

[NOTE.—The following added with pen and ink by Colonel Roosevelt:]

"You did excellently and confirmed our pride in the ability of the Marine Corps to measure up to whatever it was put up against. "(Signed) T. R."

SEPTEMBER 5, 1922.

MY DEAR MR. SECRETARY: I have your letter of August 28, 1922, in which you express appreciation of the results obtained by the Navy Department in the ejection of certain trespassers on naval reserve No. 3, in Wyoming.

I am pleased to learn that this undertaking was accomplished to your entire satisfaction and that Capt. George K. Shuler, of the Marine Corps, performed his duty in such a commendable manner.

Respectfully,

THEODORE ROOSEVELT,
Acting Secretary.

Hon. ALBERT B. FALL,
Secretary of the Interior.

SEPTEMBER 7, 1922.

From: The Major General Commandant.
To: Capt. George K. Shuler, United States Marine Corps, Marine Barracks, Washington, D. C.
Subject: Letters commending action regarding ejection of trespassers from naval reserve No. 3, Wyoming.
Inclosures: (1) Copy of letter from the Secretary of the Interior dated August 28, 1922. (2) Letter from the Secretary of the Navy dated September 5, 1922.

1. The approval of your decision and actions, expressed in the inclosed letters, is noted by me with great satisfaction.

2. Copies of the inclosed letters have been filed with your official military record.

JOHN A. LEJEUNE.

Mr. DILL. Mr. President, I desire to call attention to another coincidence of dates. I called attention a moment ago to the fact that Archie's increase in salary, amounting to $4,000, being from $6,000 to $10,000, came just 30 days before Theodore carried the Executive order to the President to transfer the leases. I now want to call attention to the date of Archie's third increase in salary, amounting to $5,000, being from $10,000 to $15,000. That occurred on July 1, 1922, which was just 29 days before Mr. Roosevelt as Acting Secretary of the Navy used the marines to clear off squatters from Teapot Dome for Mr. Sinclair, and made it unnecessary for him to go into the courts to get an injunction and secure the issuance of an order of ejectment. Again I make no charges, but I call attention to the chronological connection and coincidence in these dates. In connection with these increases in the salary of Archie, amouting in less than three years to $10,000, it is interesting to read what Mr. Sinclair says about Archie as an employee. In a statement he issued he says:

I tried him in one after another of the branches of the business, each time without success.

Yet during that time he raised his salary $10,000 in less than three years.

In May, 1923—

He says—

after returning from Russia I was convinced that, notwithstanding all of the opportunities and encouragements that had been given to him, he never would and never could make good.

He was on the pay roll at that time at $15,000 a year. That was in May, 1923. He remained on the pay roll at $15,000 a year, and probably would be there now if he had not resigned to come to Washington to tell the committee about some money that he thought had been loaned by Sinclair to Fall.

Again, I do not make any charges, but I call attention to the remarkable fact that an employee who was a failure, according to the statement of his employer, who, his employer was convinced, never would and never could make good, was receiving a salary in amount twice that received by United States Senators, and was kept on the pay roll without ever a suggestion of his being removed during all this time.

I shall not detain the Senate longer at this time on this subject, but there is one observation I wish to make. The Senator from New York spoke of the war record of Theodore Roosevelt. I am glad to pay my tribute to him for the record he made in the late World War; but, Mr. President, no man, and least of all a public official, can hide behind a war record to cover up or to exonerate himself from the record made in public office. Mr. Denby had a war record; as I recall, he had two war records—one in the Spanish-American War and one in the World War, and both were honorable to him; but that did not hinder him from being condemned by the Senate by an overwhelming vote and being scourged out of office. I respect physical courage in any man; I am proud of the men who dare to risk their lives for their country and die for it on the field of battle, but, sirs, there is another kind of courage, and I sometimes think it requires greater manhood to have moral courage in times of peace to withstand the influences that would destroy faithfulness to duty than it takes to fight on the field of battle under the sweeping waves of patriotism.

Mr. PEPPER. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Pennsylvania?

Mr. DILL. I do.

Mr. PEPPER. I have listened with great attention to the Senator's address. I was going to inquire whether, among the facts which he has detailed, there are any which the Senate has not heard before. In other words, is there any particular matter of fact to which our attention is directed to which our attention had not been previously directed in this connection?

Mr. DILL. Replying to the Senator, I may say that I explained in the opening of my address that I was taking the time of the Senate at this time to show how the self-defense "run-out" letter of Mr. Roosevelt, placed in the RECORD by the Senator from New York [Mr. WADSWORTH], did not state the facts clearly, and I wanted to read from the record the facts to show the difference between the letter introduced by the Senator from New York, written by Mr. Roosevelt in self-defense when the storm of public condemnation was breaking around him, as compared with his own testimony before the committee, and in justification of the recitals I made in the resolution. Also, I wanted to put it into the RECORD, that it

might be a permanent thing in the records of this Government on the part of a man who aspires now to have a new oil policy in case we get back the reserves.

Mr. PEPPER. Mr. President, am I right in having understood the Senator to say that in the course of developing his line of thought he did not mean by anything he said to make reflections on Assistant Secretary Roosevelt or make or insinuate charges against him?

Mr. DILL. Mr. President, I do not make charges of corruption of any kind. I wanted to present the facts of the coincidences in order that the country might draw its own conclusions. The facts are as I have stated them, and I want the record to show those facts; and in the light of the fact that the men who were the heads of these departments have been scourged from office in disgrace I do not believe that a man who had a part in the transaction, as this man has had, ought to continue longer in office.

Mr. PEPPER. Mr. President, the reason why I rose to interrogate the Senator was because I thought that if there were new facts, we ought to consider them and discuss them; and that if there were charges, those of us who believe them groundless could answer them; but if it be true that the purpose of the Senator's remarks is as narrow as his explanation has indicated, it seems to me that there is nothing to be said upon the subject except to express entire dissent, as I venture to do, from any unfavorable inferences which can be drawn from any of the things that have been stated by him on the floor.

Mr. DILL. Mr. President, I have noted, not only to-day but repeatedly, that the Senator from Pennsylvania assumes for himself here the job of lecturing other Senators who happen to speak on a subject which they think important to the Senate. I remember a few days ago, when I dared to rise here on the floor and call attention to certain things that had been done at the White House by the President, that the Senator from Pennsylvania, in all his wisdom and ability, proceeded to lecture me as to my duty and the propriety of my having so addressed this body. I noted the other day that when the Senator from Arkansas [Mr. CARAWAY] dared to make a speech concerning Mr. Daugherty, the Senator from Pennsylvania arose to lecture him; and now, by inference and by suggestion, he would leave the impression that I have been wasting the time of the Senate in attempting to place in the RECORD the facts that condemn this man as a man who is proved to have had part in the corrupt and fraudulent transactions that were committed. I want to say to the Senator that his lectures may please him, and they may please Senators on the other side of the Chamber, but they fall with very little weight on the shoulders of some of us.

Mr. PEPPER. Mr. President——

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. PEPPER. I am one of those who have sat patiently through many hours and days and weeks while observations have been made on the other side of the Chamber respecting the common law and the civil law and the moral law and all laws whatsoever. I have heard Senators rise to their feet and attain heights of self-righteousness wholly inconsistent with what we know individually respecting performance or approximation to the standards proclaimed in the forum.

Mr. DILL. May I suggest to the Senator that he knows himself best, probably?

Mr. PEPPER. I will yield to the Senator if he desires. I have listened to these observations, Mr. President, hour after hour, day after day, and week after week. As I have listened to them it has occurred to me from time to time that these utterances are out of all keeping with the real character and quality of those who utter them. It has come to be now the state of affairs in the Senate when a man rises and attains to great heights of denunciation of other people and the laudation of moral principles to which we all subscribe, that we are asking ourselves, "What is it from which attention is sought to be distracted? Why is it that Senators find it necessary to iterate and reiterate propositions to which every honest man subscribes, and spend their time in seeking to fasten blame and culpability, not by charge, but by innuendo and baseless inference upon those who in many instances are better men than we?"

Mr. President, that, I suppose, would be described as lecturing or sermonizing if one were seeking for words in which to describe it; but as for myself, sir, I reserve the right, after sitting patiently for many weeks and months of this kind of performance, to register my own views on the quality of the utterance that I hear so copiously on the other side of the Chamber; and on this particular occasion, having learned from the Senator that he had no new facts to offer, that he had no charges or other form of accusation to make, I please to register my conviction that what has happened amounts to nothing more than a series of baseless innuendoes against the character of a good public servant and a brave American soldier.

Mr. DILL. Mr. President, of course I did not expect the Senator to make a speech in my time, but I do not know that it will hurt very much.

So far as I know, the statements I have made here on the floor to-day are new to the record of the Senate. They have not heretofore been collected and presented to the Senate. I am not surprised that the Senator is offended and his moral sensibilities are injured and he is wearied when I proceed to expose this record. He is reported in the newspapers to have said that those of us who expose this graft and this corruption are worse than those who commit it. With a man who holds that view, I certainly have no argument. With a man who takes the attitude that the exposing of this thing is worse than the commission of it, I have nothing in common. When it comes to the abuse of public office and public trust, and I think the record as I have read it here to-day shows that Mr. Roosevelt was not faithful to the trust reposed in him, I deem it my duty to expose the facts. The record shows that he was not loyal to his own chief with whom he worked and with whom he partook in the transactions that attempted to give away and sell these oil reserves. I do not charge, and I never have charged, that either he or Secretary Denby profited individually corruptly at the time; but they were a part of this transaction which smells to heaven and which the Senate by an overwhelming vote has condemned and condemned in the most unsparing language, and as one who had a part in these transactions, I think Mr. Roosevelt should go.

If the Senator wants to talk, he can talk after I get through. I am not going to yield any further.

I want to say one other word, for I note that a number of the newspapers of this country have suggested that it was a terrible thing that a man in the Senate should dare to say anything in disparagement of the name of Roosevelt.

I was never a political supporter of the original Theodore Roosevelt. I disagreed with him generally on political questions, but I pay this tribute to his memory—that never once did I know him to permit any kind of unfaithfulness to public duty on the part of those with whom he was associated or who were under him. He would not even wink at it, and he attacked those in his own party who were guilty more vigorously than he attacked men in the opposite party. When a man bearing the name of Roosevelt, has the faith and confidence of the people because he bears that name, is faithless to his duty to protect the naval oil reserves, as the record shows that this son of the original Theodore Roosevelt was faithless to his duty, I have not hesitated nor shall I hesitate to expose that record to the country and to demand that he shall be put out of office.

RESTRICTION OF IMMIGRATION

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2576) to limit the immigration of aliens into the United States, and for other purposes.

Mr. CAPPER. Mr. President, I wish to submit a few remarks on the pending bill.

The last hundred years have witnessed a tide of migration to the United States that is without parallel in ten centuries of history. Thirty-five millions of aliens have taken up abode in this country. Ten millions of these—nearly a third of the total—have come within the past two decades.

This movement of peoples has given us a conception of the United States as the world's "melting pot," into which alien blood strains pour to fuse in a virile American race. To a degree our history justifies this fancy, but the experience of the last quarter century warns us that the capacity of the "melting pot" is sadly overtaxed, and that the fusing has all but ceased.

In 1920, the year of the last official enumeration, there were 94,820,915 white folk in the United States. But 58,421,957 of these were of native birth or of native-born parentage. That brings us face to face with the startling fact that more than a third of the whites in this country are either of foreign birth or of foreign-born parentage. Of the 36,398,958 whites not of native-born parentage, 13,712,745 are foreign born, and of these foreign born more than seven and a half millions have not become citizens. They remain alien. They are willing to share

the benefits of residence in America, but unwilling to share in the duties of American citizenship.

The same census figures inform us, Mr. President, that the 24,556,729 native-born Americans who live in our cities are actually outnumbered by the 26,063,355 residents who are of foreign birth or foreign-born parentage, including 10,355,983 alien born. One thousand four hundred foreign language newspapers, printed in 40 different languages, foster the alien racial solidarity of these groups and set up barriers against Americanization by encouraging and perpetuating foreign customs and alien prejudices.

A congressional survey of institutions for the care of feebleminded, insane, inebriates, criminals, chronically diseased in the United States discloses that while foreign born make up 14.7 per cent of our people, they furnish 20.63 per cent of the entire number of our criminals and social inadequates. Then, again, literacy figures show that 67 per cent of the total illiteracy in our cities is among foreign born.

Mr. President, these facts impress us with the gravity of the immigration problem, and stress the necessity of an immediate and definite policy with respect to the alien who seeks admission to this country. It is distinctly an American problem, Mr. President. It is a problem that Americans should and will solve. In finding this solution we should be actuated by no motives of racial prejudice, nor should we practice discrimination other than discrimination in favor of America. The sole basis upon which our solution should be bottomed is, what is best for America.

I am not unmindful, Mr. President, of the debt this Republic owes the immigrant. Adventurers discovered America and exploited it for quick riches, but the immigrant came and conquered the American wilderness and built a home, a church, and a school, thereby laying deep and strong the foundations of a future liberty that is the last hope of the world. The sons and son's sons of this pioneer immigrant, aided by other immigrants of like aspiration and purpose won our independence and fashioned our institutions. Yet other immigrants of like purpose and stamina penetrated the interior and became the vanguard of civilization in our great central valleys, and still other immigrants scaled our western mountains and peopled our western coasts.

But, Mr. President, the same fidelity to historic truth that leads us to acknowledge our debt to the immigrant teaches us that these immigrants—these American pioneers—were actuated by a common purpose and a common zeal to set up a new civilization in a new land, a civilization peculiar to the new land, that they set up new institutions, that they cast off all allegiance to the prejudices and restrictive customs of their alien homelands. The same historic fact, Mr. President, instructs us that these immigrants were of western and northern European stocks and that during our earlier years of free and unrestricted immigration the preponderance of our immigration came from these same source lands. During those years the process of assimilation and Americanization of the alien was relatively simple. The immigrant came seeking a home and an opportunity and citizenship in a new world that pioneer immigrants of his own blood had founded. He did not come to swarm the "foreign quarter" of an overcrowded American city.

But, Mr. President, when in 1917 immigration reached its flood tide with the incoming of 1,285,349 aliens, we discovered that more than two-thirds of this great influx came from south and east Europe and near east Asia and that less than 18 per cent came from the source lands whence had come the American pioneer stock. Then, Mr. President, the need for restrictive action presented itself. We discovered that these new-coming peoples did not easily assimilate; that they did not cast aside the narrow customs and racial prejudices of their foreign homelands; that they did not fuse in the "melting pot." And we discovered that some few of them came to abuse the privileges of American liberty by plotting its destruction.

I have no purpose, Mr. President, to bar the worthy immigrant. Those who desire to come to America to become citizens, to obey our laws, and seek wider opportunities under the shelter of our liberal institutions should be welcomed. Such immigrants do not make a problem; they make good citizens. We should welcome them in such numbers as do not tend to abridge the opportunities of either our foreign-born or native-born citizens. But in welcoming the desirable immigrant we fail in our duty to ourselves if we do not set up standards—mental, moral, and physical—that will enable the newcomer to take his proper place in our national life and to contribute his part to the development of our country and to the enrichment of its civilization.

There is a preponderance of opinion in the country, Mr. President, that immigration should be restricted. In this opinion both foreign-born and native-born citizens unite. They are convinced that it is not only our right but our duty to protect our future against potential mental, moral, physical, economic, social, and political evils. These antagonistic influences must be curbed, whether they come from within or without. I have said, Mr. President, that the question of the restriction of immigration is an American question. In finding a solution we should tolerate no alien dictation. The force of this is apparent in this quotation from Secretary of Labor Davis:

I know—

Says Secretary Davis—

that some foreign countries are anxious to keep at home their young, robust, sturdy men to maintain their man power, and that many are willing to permit the departure of the old and infirm and the diseased. I was frankly told by a high official of one Government in Europe that his country was interested in immigration to the United States in so far as it helped to dispose of the "old men and the rubbish."

Mr. President, I am more interested in maintaining high standards of American manhood and womanhood and the traditional quality of American citizenship. I am opposed to helping foreign governments shift their pauper problem to the American taxpayer. I do not want to see the population of our almshouses, our hospitals for the insane and mental defectives, and our prisons and institutions of correction crowded with the paupers, the social and mental defectives, and criminals of European governments that are brutally frank in their interest that we keep our standards of immigration sufficiently lax to enable them "to dispose of their 'old men and rubbish.'"

A common argument against restricted immigration is that America needs labor. In its study of the question the House of Representatives Committee on Immigration finds that—

The prosperity of the United States does not depend upon additional unskilled alien laborers. Industry and activity have survived the slackened immigration caused by the European war and the quota law, the two covering a stretch of almost 10 years, and the United States has had one period of great employment during that time. Our gain in population through natural sources is large—10,000,000 from 1910 to 1920.

Mr. President, the finding of the House committee disposes of the argument that a need for laborers should dictate a lax immigration policy. Proponents of that argument should remember that we propose to restrict, not to exclude, immigration. The finding of the House committee strips the labor argument bare and reveals it as a subterfuge of a small but ruthless group of American employers that want cheap labor to compete with well-paid American workers, thus to undo the achievement of the American worker in establishing a living wage and a decent standard of living. These would-be exploiters of cheap European labor are eager seekers for protection of the domestic selling market and quite as eager advocates of a free-trade labor market.

Agreed as we are, Mr. President, that immigration must be restricted; agreed as we are that it is a question to be determined solely in the interests of America, the question becomes a choice of methods.

The experience of past years teaches us what groups of immigrants most easily and naturally are assimilable within our citizenship. That experience teaches us the wisdom and desirability of selective restriction.

The present "3 per cent" law admits annually nearly a half million immigrants. The basis of apportionment is the 1910 census; that is to say, 3 per cent of nationals of the various nations as represented in our population as shown by the census of 1910. On this basis 84,746 nationals of those racial groups that experience teaches us are least assimilable are admitted every year.

Under a proposed 2 per cent restriction, based on the census of 1890, only 11,960 of such groups are admissible each year while 129,700 nationals of the groups that our experience teaches us are most easily assimilable are admissible every year.

Mr. President, inasmuch as the interest of America should control in our solution of this question; inasmuch as we should solve it without thought of the selfish desires of a small group of Americans that would exploit cheap European labor; inasmuch as we should solve it without regard to the demands of foreign nations that want to send us their "old men and rubbish," I am convinced that the 2 per cent restriction based on the census of 1890 as provided in the so-called Johnson bill is the best solution offered short of discriminatory exclusion. I shall, therefore, support that basis.

Mr. WILLIS. Mr. President, I desire to ask a question of the Senator from Kansas [Mr. CAPPER]. I have been greatly impressed by his eloquent and logical argument in favor of restricted immigration. I quite agree with him that we can not expect in this country to sell our products in a protected market and to buy our labor in a free-trade market. I am so impressed by that that I am asking the Senator whether he does not think the direct way to reduce the number of people coming into this country is to reduce the percentage. It is now 3. The bill provides 2. I have offered an amendment to make it 1 per cent. What is the view of the Senator from Kansas as to that amendment?

Mr. CAPPER. I shall support the amendment offered by the Senator from Ohio.

Mr. WILLIS. I am glad to know that.

Mr. COPELAND. Mr. President, I am sure the Senator from Kansas, who is so noted for his frankness and honesty, would not wish to have a false impression prevail regarding the real facts relating to the physical health and the mental health of immigrants. There is no doubt at all that in times past when the gates were open and everybody could come in there was such carelessness at the gates of admission that many persons did come into the country who soon landed in almshouses or in other institutions, particularly in institutions for the feeble-minded and asylums for the insane. But that was not the fault of the fact that we were having immigration, but the trouble was that we did not have proper inspection of the immigrants at the ports of admission.

I myself have witnessed the admission of hundreds of immigrants where it seemed to me the only standard required was the possession of two feet and two hands and the absence of any visible skin disease. I have had occasion to discover that many immigrants who have been permitted to enter this country were vermin infested, but that was due to the fact that at quarantine there were not men of the Public Health Service in sufficient numbers to take care of the large numbers who were seeking admission at that time.

Under the present restriction of immigration such things can not happen. I am here to say that in my judgment the persons who are now received into the United States, that the persons who do succeed in entering through the port of New York, are mentally and physically qualified for citizenship in this country. I agree with the Senator from Kansas that the sentiment in this country is in favor of restriction of immigration. Our people would not consent to free and unlimited immigration, but no matter whether the bill pending in the Senate shall pass, or whether the bill pending in the House shall become a law, there is so great a restriction that the number of admissions into this country next year will be half the admissions this year. So we are proposing a great restriction of immigration. But, Senators, when we seek to exclude those who come from eastern Europe, from Russia and Poland, and when we seek to exclude those coming from southern Europe, particularly from Italy, we are seeking to exclude from our country men and women who are qualified in every sense for American citizenship, and who have become in our country among the very best of our citizens. So I hope that under no circumstances will the Senate determine that there must be cut out from admission to the country those persons who come from eastern and southern Europe.

Mr. WILLIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Ohio?

Mr. COPELAND. I yield.

Mr. WILLIS. I wish to have the opinion of the Senator with reference to the immigration which we are now receiving from Mexico. The statistics show that last year 63,768 people came into this country from Mexico, and, as this bill stands, there is nothing whatever in it to restrict that number. I am wondering whether the Senator would join me in an amendment to strike out the provision of the bill which admits people from Mexico without restriction.

Mr. COPELAND. I will be very glad to join the Senator from Ohio in such a movement if he will join me in a change in the bill to make the percentage 3 per cent instead of 2 per cent.

Mr. WILLIS. I will not do that. I want to change it from 2 per cent to 1 per cent.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield to me?

Mr. COPELAND. I yield.

Mr. REED of Pennsylvania. Mr. President, I ask unanimous consent that when the Senate concludes its business today it shall take a recess until 12 o'clock to-morrow.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and when the Senate concludes its business to-day it will take a recess until 12 o'clock to-morrow.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Tennessee?

Mr. COPELAND. I yield.

Mr. McKELLAR. I notice in the appendix to the House report on immigration, filed March 24, 1924, the statement is made that 585,199 immigrants came in in six months of last year, from July 1, 1923, to December 31, 1923. That is under the present quota. Does not that seem to the Senator to be a number so large that we ought to reduce it materially?

Mr. COPELAND. I agree with the Senator, and under the Reed bill now pending it will be changed, because under the present law there is a 3 per cent quota on 1910, but in addition to that and outside of that quota there are many admissions of wives, daughters, sons, and friends. There are many exceptions which are omitted from the pending bill. I venture to say, and the Senator from Rhode Island [Mr. COLT] will correct me if I am wrong, that under the bill which is now pending in the Senate the admissions in the future will be just about 50 per cent of the admissions under the present law. So if any Senator is in favor of a restriction of immigration he has but to vote for the pending measure and he has cut down the admission by at least 50 per cent.

Mr. ASHURST. Mr. President, I ask the Senator in charge of the bill what help we may expect from him in an effort to apply the quota to Mexico?

I read from an editorial from a reputable newspaper, and he will see the abuses with reference to immigrants from Mexico. I read from the Daily Silver Belt, a newspaper of general circulation, published in Miami, Ariz., as follows:

> An El Paso news dispatch describes the recruiting going on in that city of Mexican laborers for large employers. Fifteen hundred are to be shipped to the New Jersey Zinc Co., 500 to an Illinois smelter 300 to the Bethlehem Steel Co., 700 for the Southern Pacific, 200 for the Santa Fe, and 1,500 for the Great Western Sugar Co. Meantime the news article states there are 10,000 unemployed Mexicans on the west coast of the United States.

I know the editor of this paper. I have no doubt he speaks with knowledge and that his information is reasonably accurate. It seems to me that the time has come when we must consider applying the quota to this hemisphere.

The international Mexican border line is nearly 1,400 miles in length. Syrians, Greeks, Russians, Bulgarians, Montenegrins, Bashi-Basooks, and nationals of the Hedjaz are smuggled into the United States—I will not say in large numbers, but in considerable numbers each year over the Mexican border.

Mr. McKELLAR. And in addition, 46,000 Mexicans came in during the last six months of 1923.

Mr. ASHURST. Yes. Now in some parts of my State there are communities where we find the sign "English spoken here," meaning that the staple of the community is a foreign language. I stand solidly with the Senator from California [Mr. SHORTRIDGE] in his effort to prevent Japanese immigration. Against the Japanese and their civilization I have no evil word, but we are a different race. They will vitiate our population, and when once it is vitiated it is beyond repair.

Mr. COLT. I understood that the Senator from Arizona desired to ask me a question.

Mr. ASHURST. It was only a brief question.

Mr. COLT. If he will tell me what the question is or if he will propound it again, I shall be glad to answer it.

Mr. ASHURST. I hope the Senator will give us his support and strength in an effort to secure a quota as to the Western Hemisphere.

Mr. COLT. Mr. President, I can only answer the Senator's question by stating what the present law is, the law now in force, and what the proposed change is in the bill known as the Reed bill, now before the Senate.

The present law does not extend the quota to our sister republic or to this hemisphere with a slight exception which it is not necessary to mention. The law now, as it stands, admits anyone from our bordering countries who has resided there for five years. The pending bill restricts immigration from this hemisphere to natives. That is the only change.

Mr. President, I must refer back for a moment to the origin of the quota law. The quota law never was designed to secure restriction so far as this hemisphere is concerned except the restriction which arises from the law of 1917, which, as is well known, is extremely strict at the port of arrival.

The quota law was designed to check the flood of immigration from southern and eastern Europe. That immigration had

reached the proportion of 915,000 in 1913 and 1914. It was believed when the war was over that there would be a renewal of immigration from southern and eastern Europe on the scale that existed before the war, and indeed in 1919 and 1920 there were evidences of a renewal of that immense immigration. Therefore, when we passed the quota-law, known as the Dillingham law, a law framed in connection with Commissioner General Husband—and I had some little, though a very minor, part in it—this quota law was confined almost wholly to Europe, and its object was to curtail immigration from southern and eastern Europe, and it did curtail it. It reduced it from 915,000 to 169,000 under the present law. Whether we want to extend the quota law to Mexico and to Canada or to this hemisphere is a question of public policy with regard to relations which we should occupy toward our sister republics.

Mr. McKELLAR. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Tennessee?

Mr. COLT. I yield.

Mr. McKELLAR. I was very much interested in what the Senator said about the number coming in under the present law. As I understood the Senator he said it was limited to 169,000. I wish to read from a report——

Mr. COLT. Will the Senator permit me to explain that? I did say that and I say it now. I was dealing with immigration from southern and eastern Europe. If to that immigration from southern and eastern Europe we add the immigration from northern and western Europe we will increase it by just about 200,000, but the immigration law does not extend to Mexico or to Canada and therefore during the past year we have had an immigration into this country of 522,000. That 522,000 is made up substantially of 358,000 under the quota law and one hundred and eighty-odd thousand of immigrants from Canada and from Mexico, 117,000 coming from British North America or Canada, and about 70,000 from Mexico. But, Mr. President, it is perfectly true that if we close the door to Europe, or nearly close it, by a marked restriction of the immigration law, we open wide the doors of immigration on this continent.

There is no question about that, and if immigration is governed by economic law, just as soon as we shut off immigration from southern and eastern Europe we will open the door from Mexico. There is no doubt about that.

Now I am not advocating one policy or another. I am stating what the law is. If the time has come, and it is said that it ought to be logical, to extend the immigration law to Mexico and to Canada—for of course we could not very well carve out Mexico alone—that is a question for debate, that is a question for the Senate to decide, and that is a question of immigration policy.

Mr. BRUCE. Mr. President——

Mr. COLT. I yield to the Senator from Maryland.

Mr. BRUCE. Canada has an immigration law of its own, has it not, something like our restrictive law?

Will the Senator say whether the practical operation of the Canadian immigration law is satisfactory or not?

Mr. COLT. I think the Canadian law has excellent features. They have difficulties in Canada, as we have, with regard to regulating immigration; but the Canadian immigration law contains the feature of flexibility.

Mr. BRUCE. What I am getting at is this: If Canada has a good restrictive immigration law, then the objection to letting immigration in from Canada would not exist which exists in the case of letting in immigration from Mexico. Mexico of course has no restrictive law. I mean to say if immigrants from abroad come to us through Canada and Canada has a good effective immigration law, there could not be much objection to letting immigration in from Canada; in other words, we have no objection, I imagine, to letting in Canadian natives.

Mr. COLT. The Senator knows that people always like what they have. Canada objects to our putting her under the quota law.

Mr. BRUCE. Precisely. That is what I am getting at. It looks to me as though, if Canada has a good immigration law, there is no occasion for shutting out Canadian immigration at all. The native stock of Canada is a very satisfactory stock for immigration purposes; and if immigration from abroad can infiltrate into Canada only under the proper restrictive conditions, there would be no objection to our letting in even that foreign immigration from Canada.

Mr. COLT. The Senator from Maryland asked me a question a moment ago.

Mr. BRUCE. I asked the Senator what he thought about the Canadian law. In the case of Mexico there is objection, to begin with, to letting in the Mexican native stock, and inasmuch as Mexico has no restrictive immigration law——

Mr. COLT. In reply to the question, as to what I think about the Canadian law, I will answer that I am in deep enough water myself with regard to what our American policy will be. I only say that Canada objects to our putting her upon a quota basis, and Canada should not be put upon a quota basis without very careful consideration.

Mr. BRUCE. It is a very important communication the Senator is making to me now, and it has a direct bearing on what I am trying to get at. In other words, I do not see why we should impose any restriction on immigration from Canada at all; but, on the other hand, I do see the very best reasons why we should impose restrictions on immigration from Mexico.

Mr. COLT. If we are going to be logical, we should apply the quota law to all countries which send us immigration; but the drawback to that proposition is that we based our quota immigration law upon the number of nationals that were in this country at the time the law was passed. There were substantially no nationals in the country from any of the Central and South American Republics except Mexico. Therefore, if we say we will apply the quota law to this hemisphere, it amounts, in its practical operation, to the exclusion of all immigrants from many of the Central and South American Republics.

Mr. BRUCE. But if none are actually coming in what difference would exclusion make?

Mr. COLT. I do not understand the Senator's inquiry.

Mr. BRUCE. If no immigration is flowing into us from Central or South America, what difference would exclusion make?

Mr. COLT. Ah, yes: but a people do not want to be denied a right, though they might not always exercise it.

Mr. BRUCE. Let me ask the Senator another question.

Mr. COLT. If the Senator wishes to put Peru and Uruguay and most of the other South American countries into the position of the Asiatic barred zone, we can do it by applying the quota law.

Mr. BRUCE. Let me ask the Senator from Rhode Island one more question, and that is this: What is meant by the "Atlantic islands" in this list of countries which are permitted to furnish immigration to us?

Mr. COLT. That is a geographical question, and I wish the Senator from Maryland would consult my very able colleague, the Senator from Pennsylvania [Mr. REED], who has looked especially into this question of geography.

I should like to say one thing now before I sit down. The present law is the best quota law that has ever been devised. It has accomplished its object. Commissioner General Husband in his report states that the law has entirely fulfilled its purpose and that he knows of no law that could be devised which would accomplish the purpose of immigration restriction so well as does the present quota law. Taking the percentage of 3 per cent of nationals of each racial group who were living here at the time the law was passed, when we have that 3 per cent we have a certain number. When we have 2 per cent we have a certain number, and when we have 1 per cent we, of course, have a less number than that.

If it be desired virtually to suspend immigration, make the quota one-tenth of 1 per cent; and if it be desired to introduce into our immigration policies in regard to Europe the question of racial discrimination—and I thought America was national and not racial—if it be desired to admit only 100 immigrants from southern and eastern Europe, the machinery is here to accomplish that purpose. All we have to do if we desire to discriminate is to say we will admit 5 per cent from northern and western Europe and 1 per cent from southern and eastern Europe. Then we should be coming out in the open; then we should be showing our hand; then we should be telling the world that America has now adopted an immigration policy based, so far as Europe is concerned, upon the exclusion of certain races.

We have, however, always based immigration from Europe upon selection, selection at the port of entry. Now we propose in the pending bill to have selection at the source. Then, when we have a quota, we have a numerical reduction to any given amount of the number selected; but if we are going back to the census of 1890 let us go back with an open hand. If we are going to base it on naturalization, do it with an open hand. If we are going to base it upon so-called racial stocks, do it with an open hand. We have the machinery now. Tell the world, tell these millions of people here that they are undesirable and that America is going to change her policy toward Europe from one of nationalism to one of racialism. Oh, go back to Germany

and look at her history of racialism. I am opposed to that principle.

What I wish to say is that whatever we desire to do the present immigration law now is perfect, so far as regulating immigration is concerned.

Mr. BRUCE. Mr. President——

The PRESIDENT pro tempore. The Senator from Maryland.

Mr. BRUCE. If the Senator from Rhode Island will pardon me, I should like to ask him or the Senator from Pennsylvania, if he will refer me to that Senator, a question. I should like to know exactly what is meant by "Atlantic islands"? I think I know, but I am not certain whether or not I do.

Mr. REED of Pennsylvania. I had better define it negatively. It does not include the Azores or the Canaries or the islands immediately adjacent to the American coast, but it does include all the other islands.

Mr. BRUCE. Does it include the negro Republic of Santo Domingo?

Mr. REED of Pennsylvania. No. That is separately mentioned.

Mr. BRUCE. Does it include the negro Republic of Haiti?

Mr. REED of Pennsylvania. It does not.

Mr. BRUCE. Or Jamaica?

Mr. REED of Pennsylvania. Jamaica is included as one of the British colonies.

Mr. BRUCE. It falls under that clause?

Mr. REED of Pennsylvania. Yes. Now I am going to ask the Senator to let us take up those items at another time.

Mr. BRUCE. I asked the questions with the intent, perhaps, of offering an amendment. As I contemplate this matter, I feel that we ought to apply the quota not only to Mexico but to Santo Domingo, Haiti, and possibly, unless some very good reason is given to the contrary, to all the Central and South American Republics. As to Canada, I do not feel that there is the same necessity.

Mr. REED of Pennsylvania. Perhaps, then, I had better answer the Senator's question now; and we may then be able to get a vote on the committee amendment this afternoon.

Mr. ASHURST. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maryland yield to the Senator from Arizona?

Mr. BRUCE. I do.

Mr. ASHURST. I have been assured that we will have an opportunity to vote on the question of applying the quota principle to this hemisphere.

Mr. BRUCE. That is satisfactory to me.

Mr. REED of Pennsylvania. Allow me to explain how that will come up.

Mr. ASHURST. I think it will come up on the amendment proposed by the Senator from Ohio [Mr. WILLIS].

Mr. REED of Pennsylvania. There will be amendments, I am told, to strike out Mexico, Haiti, the Dominican Republic, and one by one the various exceptions.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I am glad to yield to the Senator.

The PRESIDENT pro tempore. The Chair recognizes the Senator from Tennessee.

Mr. McKELLAR. I merely wish to ask the Senator from Pennsylvania a question, but I thank the Chair. Would not the same result be obtained by leaving in the bill what the committee proposes to strike out, on page 2, line 7, relating to the ability of the proposed immigrant to speak, read, and write. I imagine if that were left in the bill or some provision like that were put into the bill that would reduce very greatly the number that come from Mexico and several other countries.

Mr. ASHURST. Not at all.

Mr. McKELLAR. Are they all capable of reading and writing?

Mr. ASHURST. Their own language; yes. If the Senator inserts "the English language," I will be satisfied.

Mr. REED of Pennsylvania. I can explain that in a word.

Mr. McKELLAR. I am told that the record shows that a great many Mexicans who come here are unable to read and write their own language.

Mr. REED of Pennsylvania. The reason it was stricken out on page 2 is that it already occurs in another part of the bill, and there was no use of stating in the visé certificate that the immigrant should read and write, because that fact already has affirmatively to appear on the application for a visé that is attached to and forms a part of the visé certificate. So leaving it in at that place would simply have made the same item appear twice in the one document. That is the committee's only reason for striking it out.

Mr. McKELLAR. It was not intended, then, to remove the literacy test?

Mr. REED of Pennsylvania. Oh, by no means. The committee believes, I think unanimously, in retaining the literacy test. The reason for striking it out there was, as I have said, that it was already inserted in another clause.

Mr. WILLIS. Mr. President——

Mr. COLT. Mr. President, I am going to say in explanation——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Ohio?

Mr. McKELLAR. I do.

Mr. COLT. May I say a word in further explanation?

Mr. McKELLAR. Very well; I first yield to the Senator from Rhode Island.

Mr. COLT. Mr. President, the petition of the immigrant sets out very fully his whole history, including the information that he can read and write. When it comes to the certificate of the consul, it is not necessary to state all the details which are contained in the petition. It would involve a great deal of consular work, and so forth. So it was the idea of the committee, upon full consideration—and, I think, after some representations from the State Department to that effect—that the consular certificate itself should only recite certain main facts, but the provision is there that the immigrant must read and write.

Mr. REED of Pennsylvania. The Senator from Tennessee will find the provision on line 16, page 6.

Mr. McKELLAR. Yes; I find that, but I will ask the Senator this question: If the provision were left on page 2, under subtitle (3), lines 7 and 8, "his ability to speak, read, and write," and if the consul had to pass on that, he would have to pass upon his ability to speak, read, and write. It seems to me that would give a very prohibitive power to the consul, and would aid very much in a proper selection of the immigrant, and it seems to me it ought to be there.

Mr. REED of Pennsylvania. Mr. President, the consul has that power, because, as you will see on page 6, line 16, the immigrant must prove to the consul his ability to speak, read, and write. Furthermore, he must sign the application in the presence of the consul, which is an additional check on that.

Mr. WILLIS. Mr. President——

Mr. McKELLAR. I yield to the Senator from Ohio.

Mr. WILLIS. The Senator from Tennessee has the bill before him?

Mr. McKELLAR. Yes.

Mr. WILLIS. If the Senator will turn to page 5, I assure him that a full opportunity will be had to vote on this question of applying the quota to Mexico, because I have already offered an amendment to strike out all after the word "immigration" in line 8 down to and including all of line 17; so that there will be a direct vote upon that proposition.

Mr. McKELLAR. Will that also strike out or remove the power of Canada to permit immigrants to come into this country?

Mr. WILLIS. Absolutely. I do not desire to discuss that matter now, but when the amendment is offered I think I can convince the Senator that that ought to be done.

Mr. McKELLAR. Does the Senator think that we should prohibit immigration or submit a quota theory to Canada?

Mr. WILLIS. I do, just the same as we do to England and France and every other country in the world.

Mr. McKELLAR. Does Canada restrict our immigration into Canada?

Mr. WILLIS. I am not advised as to that; but, so far as I can see, there is not any reason at all, from the standpoint of the policy of the United States, why we should have a different system as applied to this continent.

Mr. McKELLAR. I shall be very glad to hear the Senator on that subject when his amendment is offered.

Mr. WILLIS. I hope we can have a vote on the pending amendment now.

Mr. ASHURST. Mr. President, if the Senator will yield to me for just one suggestion——

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Arizona?

Mr. McKELLAR. I yield.

Mr. ASHURST. On page 5, in subdivision (8), it will be observed there are the exceptions which provide that the quota shall not apply to certain countries of the Western Hemisphere. A very able Senator suggests that possibly these countries in the Western Hemisphere would be offended if we should apply the quota to them; but by no means would

they feel offended. We are doing, first, that which as an independent Nation we have a right to do; and secondly, we are only asking Mexico to be subjected to the same rule that applies to Great Britain, to Ireland, to France, to Denmark, to Scotland, to Germany, to Belgium. No nation in the Western Hemisphere that can rise to the dignity of having a minister of foreign affairs would ever produce a man who would say that they are insulted and offended because we apply to that nation the same rule that we apply to all the other powers of the earth.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

The PRESIDENT pro tempore. Does the Senator from Tennessee yield to the Senator from Pennsylvania?

Mr. McKELLAR. I yield.

Mr. REED of Pennsylvania. While we are discussing this subject, let me say that the committee's only reason for making these exceptions is a selfish reason. We thought it to the best interests of the United States to do it, and if I may in a moment give the reason as applied to Canada, we have there a land border nearly 3,000 miles long through wild country. It is a physical impossibility to guard it.

On the other hand we have an excellent working agreement with Canada by which she permits us to keep our immigration inspectors in her ports; and it is very much easier to stop undesirables at Halifax and Montreal than it is to guard the whole of this 3,000 miles to keep them from crossing an imaginary line. It is purely selfish. We are not catering to Canada in the least. We are doing it because it is the cheapest and the best practical way to enforce our immigration law.

I agree with the Senator in what he says regarding the overdose of Mexican immigration that we have been receiving. We are trying to work out some practical way to stop it; but we do not want to make the futile gesture of prohibiting it and then having Mexicans wading across the Rio Grande every time it gets dark. Our thought is not different from that of the Senator.

Mr. McKELLAR. Naturally we would want, if possible, to make the same rule apply to our neighbor on the south that we do to our neighbor on the north; but at the same time it seems to me that there ought to be some arrangement made by which the undesirables may be kept out, whether from the north, south, east, or west.

Mr. REED of Pennsylvania. I will say further to the Senator that I hope it will prove to be practicable for us to install our immigration officials in Mexican ports. That we ought to do at the earliest possible date.

The PRESIDENT pro tempore. The question is upon agreeing to the amendment in line 21 of page 4 of the pending bill.

Mr. SHORTRIDGE. Mr. President, a parliamentary inquiry. It has been suggested to me that the proposed amendment should read, on page 4, line 21, that we disagree to the committee amendment rather than to use the form as printed.

The PRESIDENT pro tempore. Of course, the Senate will disagree to it if it fails to agree to it.

Mr. SHORTRIDGE. But the amendment uses the words "strike out." That is what I wanted to call attention to.

The PRESIDENT pro tempore. The Chair is of the opinion that a motion to strike out is not in order.

Mr. SHORTRIDGE. I am not making any motion.

The PRESIDENT pro tempore. If the Senate does not agree to the amendment, it will disagree to it at the same time.

Mr. SWANSON. Mr. President, will the Chair please state what the amendment is?

Mr. REED of Pennsylvania. Mr. President, a parliamentary inquiry. I understand that the question is, Shall the committee amendment be adopted, and the word "study" inserted? A vote "aye" is, therefore, in favor of the committee amendment.

The PRESIDENT pro tempore. The Senator from Pennsylvania has stated it very accurately.

Mr. REED of Pennsylvania. I call for a division, Mr. President.

On a division, the amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will state the next amendment passed over.

The READING CLERK. On page 5, line 7, after the word "treaty," it is proposed to insert the words "or an agreement relating solely to immigration."

Mr. ASHURST. Mr. President, I am sure the Senate was under a misapprehension in the vote it recently took on the question of retaining the word "study." Therefore I feel obliged to announce that I should like to have it reserved for a vote when we get out of the Committee of the Whole, because if we retain the word "study" manifestly a Japanese would be admitted and study during the course of his natural life and remain here.

Mr. REED of Pennsylvania. Mr. President, will the Senator yield?

Mr. ASHURST. Certainly.

Mr. REED of Pennsylvania. The same provision, in substance, is in the present law. Japanese are admitted to study. The time during which they remain here is carefully limited by regulations. The power to make the regulations is preserved in this bill, and where they come for that purpose they can be required to give bond and to report at stated times, to make sure that they are not overstaying their time.

Mr. ASHURST. Mr. President, I have admired the statesmanship and the temper and the ability displayed by the splendid Senator from Pennsylvania, but I also know the Japanese race as well as he knows the law on the subject. The Japanese race—I do not say this in a depreciating way—is the most cunning race known to mankind. With that little word "study" in the law, they will circumvent the law and circumvent the regulations. If it were any other race than an oriental race, I would be content to have the word "study" here; but in dealing with orientals you can not take a chance.

The PRESIDENT pro tempore. Will the Senator from Arizona state his request?

Mr. ASHURST. I feel that I ought to reserve the right to ask a separate vote on the amendment proposing to insert the word "study" when the bill reaches the Senate.

The PRESIDENT pro tempore. The amendment referred to by the Senator from Arizona will be reserved for a separate vote when the bill reaches the Senate.

Mr. ASHURST. I thank the Chair.

The PRESIDENT pro tempore. The question is upon agreeing to the next committee amendment.

Mr. HARRISON. Mr. President, a parliamentary inquiry. I understood the Chair to announce that the amendment involving the word "study" had been agreed to. This is another proposition. Some have the impression that we are still voting on the amendment inserting the word "study."

The PRESIDENT pro tempore. The Chair will do its best to remove that impression. The amendment contained in line 21, on page 4, inserting the word "study," was agreed to. We are now about to vote upon the amendment in line 7, on page 5, inserting after the word "treaty" the words "or an agreement relating solely to immigration."

Mr. SWANSON. Do I understand that if this amendment is agreed to people can be admitted under the so-called Roosevelt gentlemen's agreement, and not counted in the quota?

Mr. REED of Pennsylvania. No, Mr. President; any immigrant who comes in under the gentlemen's agreement, and who does not come from one of the excepted classes, of government officials, temporary visitors, and so forth, is counted in under the quota, and the quota will be only a very few hundred.

Mr. SWANSON. Why does the committee move to insert the words "or agreement relating solely to immigration"?

Mr. REED of Pennsylvania. Because the gentlemen's agreement contained those reservations which the treaties contained; that is, visitors for trade or commerce are not in any quota when they come from any country.

Mr. SWANSON. I would like to ask the Senator where there is a record of that gentlemen's agreement I have heard so much about? Has a memorandum been made of it in the State Department?

Mr. REED of Pennsylvania. I understand that the terms of the agreement appear by correspondence passing between Viscount Chinda, the Japanese ambassador, and Secretary Hay, who was then Secretary of State. I can not assert that of my own knowledge, because I have never seen it.

Mr. SWANSON. I have inquired and tried to ascertain, and have listened to this debate, and I have never seen anybody yet who could define to me what the gentlemen's agreement is, about which we hear so much. It seems to me it is as indefinite as vapor. Am I to understand that it will be left to the discretion of the Government officials to determine what that agreement is if this bill is passed?

Mr. REED of Pennsylvania. The Secretary of State has written to the committee stating what the substance of the agreement is. It is an agreement with Japan by which they agree not to give passports to any laborers to come to the United States, either directly or indirectly.

Mr. SWANSON. Who examines the passports to ascertain whether they are violated or not?

Mr. REED of Pennsylvania. The Japanese Government does that, and we have a check on it at our ports.

Mr. SWANSON. Do we claim the right to supervise the passports, in order to determine whether the Japanese Government is violating this agreement or not?

Mr. REED of Pennsylvania. We have the right to form our own conclusions about it.

Mr. SHORTRIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from California?

Mr. SWANSON. I yield.

Mr. SHORTRIDGE. I answer the Senator, we do not have the right, or we do not exercise the right. We are obliged to accept what Japan says.

Mr. SWANSON. As I understand, it is proposed to insert in this bill such a provision that the question of immigration and the enforcement of it and the judgment as to it is left entirely to Japan. Is that the purpose of the Senator?

Mr. COLT. Mr. President, may I read several of the provisions of the so-called gentlemen's agreement as outlined in Senator Phelan's testimony, reading from a book which he had?

1. Japan, of her own accord, will refrain from issuing passports to Japanese laborers desiring to enter territories contiguous to continental United States, such as Mexico or Canada.

2. Japan will recognize the right of the United States to refuse the admission to continental United States of Japanese of the laboring class whose passports do not include continental United States.

3. Japan will issue passports to continental United States only for Japanese of the following four classes: Nonlaborers, such as travelers, business men, financiers, and so forth.

4. Japanese, whether laborers or nonlaborers, who have already become domiciled in continental United States.

5. Parents, wives, or children of Japanese who have become domiciled in continental United States.

6. Japanese who have acquired farming interests in continental United States, and who wish to return there to take active control of those interests.

The substance and effect of the gentlemen's agreement is that the Japanese agree that Japan will not issue passports to laborers.

Mr. SWANSON. I am not impeaching Japan's honor or her integrity, but I consider immigration a domestic question, and I am not willing to put in statutory law anything that will permit a domestic question to be administered outside of this country. As I understand it, this agreement was that passports should be controlled abroad, and it is a practical agreement that this domestic question shall be administered outside of the United States.

Mr. COLT. Suppose the Senator and I have an agreement, he being Japan and I the United States. Shall we repeal that agreement with Japan without first consulting Japan, and asking her diplomatically, if the agreement is too broadly construed upon her part, whether she will not construe it more strictly, just the same as we ask in regard to the picture brides?

Mr. SWANSON. I feel toward immigration as a man feels toward his own home. I might give you permission to enter my home, but when your entrance into my home has ceased to be desirable, I stop it. I am not willing to give anybody the power to put in the statute a provision that I can not control admission to my own home. This is as much a domestic question as any question possibly can be. It seems to me that if we insert this provision in this bill we will actually ratify a method by which the solution of a domestic question can be enforced outside of the United States. I am not impeaching the integrity or the honor of Japan, but I am simply defending an inherent right in this Nation to treat this question precisely as an individual would treat a question relating to his own home.

Mr. ADAMS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Virginia yield to the Senator from Colorado?

Mr. SWANSON. I yield.

Mr. ADAMS. I want to make an inquiry which perhaps should be directed to those responsible for the bill. It is in reference, not to the particular gentlemen's agreement, but as to the propriety of Congress recognizing the power of the executive department to enter into any contract which will in substance have the effect of a treaty, and thereby evade the constitutional provision which gives to the Senate the right to ratify all treaties. In other words, here is a wide-open provision by which anything which can be termed an agreement would take that particular arrangement outside of the treaty-making provisions. In other words, it puts into the hands of the executive department the right to repeal or modify the immigration laws of the United States.

Mr. REED of Pennsylvania. Mr. President, we did that in the quota law of 1921. We exempted countries with which we had agreements relating solely to immigration. We exempted them entirely from the operation of that act.

But may I answer the Senator from Virginia in his reference to this particular committee amendment?

Mr. ADAMS. Am I correct as to my interpretation as to the effect of that clause?

Mr. REED of Pennsylvania. I think it is tantamount to a recognition by Congress of the fact that such an agreement has been made, yes.

The particular words to which the Senator from Virginia has called attention were inserted in this bill at the suggestion of the State Department. For myself, I never saw much use in them, and I think the bill will be equally effective if they are left out. I imagine that the reason the State Department suggested them was that they felt that it was giving us dignity to class this gentlemen's agreement along with treaties, and that was their motive in making the suggestion. But I do not think it is particularly important, and I do not think it goes to the heart of the question suggested by the Senator from California.

Mr. SWANSON. It would seem to me that if Congress is not to ratify all agreements which may be made by officers of the State Department with other countries, the power of the Senate to ratify treaties will really be nullified, as the Senator from Colorado has well said. As I understand, nobody knows what this argeement is. Nobody will have authority to interpret it except the foreign ministers of Japan and of the United States. Are we willing to leave our immigration laws subject to their interpretation? I thought, after we had ratified the four-power treaty, and made our arrangements with Japan more satisfactory, all immigration and other questions were settled, and that there was peace between Japan and the United States on all existing controversies and those which might arise. But it seems that nothing was settled by that four-power pact.

Mr. REED of Pennsylvania. I think there is force in what the Senator has said, but I think the same thing ought to have been said to the Senate in 1921, when it was passing the act of May 19, 1921, because in that it exempted from the quota law entirely aliens from countries immigration from which is regulated in accordance with treaties or agreements relating solely to immigration. What we have done has been to copy, parrot-like, at the suggestion of the State Department, the same words that were in the old quota act, and, as I said before—and I think my colleagues on the committee agree with me—I do not think it makes very much difference whether these words go in or stay out.

Mr. COLT. I might say that to my mind it does make a difference, arising from the definition of the word "immigrant." The word "immigrant" covers all aliens except those who are excepted. The word "immigrant" covers every alien of any class who comes in. That was the point Secretary Hughes made. Therefore if the word "alien" covered every class it would cover every immigrant admitted under the gentleman's agreement, and he was very much afraid of it. It is an immigration agreement and nothing else. It does not relate to traders, such as those who come in under treaties. It is an immigration agreement, and we put this provision in out of precaution, under the present 3 per cent law. Of course, the question the Senator from Virginia is discussing is a broader one; but we did enter into this agreement, and my objection is that if the United States makes any kind of an agreement with another nation, before repealing that agreement, whether it is a treaty or a simple agreement, we ought to consult that nation.

Mr. SWANSON. When the Senator says "we," he does not include the Senate, does he?

Mr. COLT. I say the United States ought to.

Mr. SWANSON. Who has the authority to bind the United States?

Mr. COLT. I am not going into the broad question of the policy of making such an agreement.

Mr. SWANSON. Anybody who deals with the United States deals with it under its written and published Constitution, does he not, and must take cognizance of it? I am tired of the State Department entering into agreements fixing the foreign policy of this country except by treaty. The Constitution determines how the foreign policy of this country shall be fixed. I am tired of people making understandings of the force and effect of treaties and committing us in foreign matters so as to avoid coming to the treaty-making power. I am certainly opposed to it. I am especially opposed to surrendering a domestic question to the secretaries of the foreign departments,

Immigration is a domestic question, to be settled by the law of the United States, and not by Cabinet officers. It is time for Congress to let it be understood, both here and abroad, that the matter of immigration is a domestic question and to be determined by the people of the United States.

Mr. HARRISON. Mr. President, I merely wish to say that I am in thorough accord with the expressions of the distinguished Senator from Virginia [Mr. SWANSON]. I have always sympathized with California with reference to the Japanese question, feeling that it was purely a local question. My sympathies have gone out to the California people with respect to it.

But I rose principally to say that the distinguished senior Senator from California [Mr. JOHNSON] is away from the city, carrying on his campaign for the Presidency. I understand that he will be here in the morning. He is deeply interested in this question, as is his colleague, the distinguished junior Senator from California [Mr. SHORTRIDGE]. The senior Senator from California has wired to members of the committee and told us weeks ago that his program was made up and speaking dates fixed so that he could not get away, but that he was going to get back as soon as possible.

This is an important question. It is probably the most important question that confronts the people of California. I am quite sure the senior Senator from California would like very much to be here and participate in the discussion which has now reached this stage. It is now after 5 o'clock in the afternoon. He will be here in the morning, and I suggest to the Senator in charge of the bill that this matter go over until to-morrow.

Mr. REED of Pennsylvania. May I suggest to the Senator from Mississippi that we pass over the amendment on page 5 and dispose of the other committee amendments? It will only take a moment or two. We would like to get them out of the way. I have no objection to that amendment being passed over, however.

The PRESIDENT pro tempore. Without objection, the amendment referred to will be passed over until to-morrow. The Secretary will report the next committee amendment.

The READING CLERK. On page 12——

Mr. REED of Pennsylvania. I ask that that also be passed over. That is the quota question, to be taken up later.

The PRESIDENT pro tempore. Without objection, that amendment will be passed over. The next amendment passed over will be stated.

The READING CLERK. The next amendment passed over is on page 16, line 4, to strike out the word "or" before (4).

The amendment was agreed to.

The PRESIDENT pro tempore. The next amendment passed over will be stated.

The READING CLERK. On page 16, also in line 4, after the numeral "(4)" insert "or (5)."

The amendment was agreed to.

Mr. HARRISON. May I ask the Senator from Pennsylvania if there was not some action taken by the committee with respect to the insertion of the words "or (5)" in line 4, page 16?

Mr. REED of Pennsylvania. Yes, there was, and there is an amendment I wish to suggest to avoid difficulty. It is in line 7, page 16?

The PRESIDENT pro tempore. The Senator from Pennsylvania proposes an amendment in line 7, page 16, which he will send to the desk.

Mr. HARRISON. May I ask the Senator a question before he proceeds? Did the Senator want to have the committee amendment "or (5)" adopted on line 4, page 16?

Mr. REED of Pennsylvania. Yes; that is all right. That is the position of the committee. But in line 7, page 16, after the word "necessary" I move to insert the words "for the classes mentioned in clauses 2, 3, or 4, of section 3."

The PRESIDENT pro tempore. The Secretary will report the amendment proposed by the committee, as the Chair understands it.

The READING CLERK. On page 16, line 7, after the word "necessary" and the comma, insert "for the classes mentioned in clauses 2, 3, or 4, of section 3."

Mr. REED of Pennsylvania. The purpose of the amendment is to take away from the Secretary of Labor his power to fine alien seamen under bond when they reach the United States. That is opposed by the Seamen's Union on the ground that that power would practically make a floating jail of every ship coming in with alien seamen, because the seamen themselves could not furnish bond and the ship would not because of its disposition not to give the men a chance to desert. The committee were unanimously of the opinion that the change ought properly to be made.

Mr. WILLIS. It was understood that if the amendment now proposed by the Senator is agreed to, and the language on page 19 and following relative to alien seamen stricken out, then the bill leaves the La Follette seamen's act absolutely untouched?

Mr. REED of Pennsylvania. Absolutely untouched. It does not change the seamen's law. The committee felt that it ought not as a part of the immigration bill to make important amendments in the seamen's law which could not have full consideration.

The PRESIDENT pro tempore. The question is on the amendment proposed by the Senator from Pennsylvania for the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will report the next amendment passed over.

The READING CLERK. The next amendment passed over is, on page 19 where the committee proposes to strike out the heading "Alien seamen," in line 11, all of lines 12 to 25, both inclusive, all of pages 20, 21, and 22, and all of lines 1 to 17, both inclusive, on page 23.

Mr. COPELAND. Was it not at this point that the Senator from Utah [Mr. KING] was going to introduce an amendment?

Mr. REED of Pennsylvania. It was in connection with this subject that the Senator from Utah expected to offer an amendment, but it would not be in order at this time, because we are proceeding under a unanimous-consent agreement to dispose of committee amendments first. The amendment contemplated by the Senator from Utah will be in order later on.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. PITTMAN. I would like to ask the junior Senator from Pennsylvania if it will be necessary to move a reconsideration of the amendment that was recently adopted relative to the admission of Japanese into this country for the purpose of study, or whether that point can be raised on a vote when the bill goes from the Committee of the Whole into the Senate?

Mr. REED of Pennsylvania. I understand that notice was given that the question would be raised and the Chair has stated that he would entertain that motion when the bill is in the Senate; in other words, that the amendment made as in Committee of the Whole would be voted on separately when the bill is in the Senate.

Mr. PITTMAN. That is satisfactory.

The PRESIDENT pro tempore. The Secretary will report the next amendment of the committee passed over.

The READING CLERK. The next amendment passed over is on page 24, line 1, where the committee proposes to strike out the words "landing card."

The amendment was agreed to.

The READING CLERK. On page 24, line 3, the committee proposes to strike out the words "landing card."

The amendment was agreed to.

The READING CLERK. On page 24, line 12, the committee proposes to strike out the words "landing cards."

The amendment was agreed to.

The READING CLERK. On page 24, line 14, the committee proposes to strike out the words "landing card."

The amendment was agreed to.

The READING CLERK. The next amendment of the committee passed over is on page 24, line 16, where the committee proposes to strike out the words "landing cards."

The amendment was agreed to.

The READING CLERK. The next amendment passed over is on page 25, line 1, where the committee proposes to strike out the words "landing card."

The amendment was agreed to.

The READING CLERK. The next amendment passed over is on page 35, where the committee proposes to strike out lines 3 and 4, reading as follows:

(k) The term "landing card" means a landing card issued under section 17.

The amendment was agreed to.

ROAD TO SHILOH NATIONAL MILITARY PARK

Mr. MCKELLAR. Mr. President, I ask unanimous consent to put into the RECORD a telegram that I received to-day from quite a large number of Civil War veterans from various States in the North who have been down at Shiloh in a reunion on the battle field of Shiloh in the last few days. I think the Battle of Shiloh was fought on the 6th of April, and these gentlemen annually meet there. They have asked that the Congress provide a first-class road from the battle field out to

Corinth, Miss., and I ask that this telegram be read at this time for the information of the Senate on that subject.

The PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Secretary will read the telegram.

The reading clerk read as follows:

PITTSBURG LANDING, TENN., *April 6, 1924.*

Senator KENNETH MCKELLAR,
Washington, D. C.:

We, the surviving Union soldiers of the Battle of Shiloh, now in reunion on our battle field, urge that you support the Rankin amendment to the military bill providing for free road to this great park and battle field, that the original purpose of the law establishing the park may be fulfilled by giving the whole Nation free ingress to this sacred place, N. D. Kelley, Bedford, Iowa; George Pfalzraf, Indianapolis, Ind.; M. D. Butler, Indianapolis, Ind.; J. I. Carper, Webb, Mo.; N. B. Clum, Parsons, Kans.; Joseph F. Powell, Denver, Colo.; Samuel Preston, Leavenworth, Kans.; Samuel Swinehart, Blytheville, Ark.; D. Furrer, Easton, Ill.; W. I. Webster, Beatrice, Nebr.; A. Clark, Leavenworth, Kans.; Andrew Johnson, Bellville, Ill.; C. W. Robb, Mattoon, Ill.; Martin L. Frey, Topeka, Kans.; William Lowe, Owensboro, Mo.; Haller E. Charles, Peoria, Ill.; Wade B. McFarland, Harpel, Ark.; C. W. Rodecker, Holcomb, Wis. The above indorsed by the National Association of Shiloh Survivors, and the great seal of the association is hereby affixed.

S. M. FRENCH,
Commander, Pasadena, Calif.

HOUSE BILLS AND JOINT RESOLUTIONS REFERRED

The following bills and joint resolutions were severally read twice by their titles and referred as indicated below:

H. R. 7113. An act to establish a dairy bureau in the Department of Agriculture, and for other purposes; to the Committee on Agriculture and Forestry.

H. R. 2811. An act to amend section 7 of the act of February 6, 1909, entitled "An act authorizing the sale of lands at the head of Cordova Bay, in the Territory of Alaska, and for other purposes"; and

H. R. 4985. An act to repeal the first proviso of section 4 of an act to establish a national park in the Territory of Hawaii, approved August 1, 1916; to the Committee on Territories and Insular Possessions.

H. R. 4460. An act authorizing payment to certain Red Lake Indians out of the tribal trust funds for garden plants surrendered for school-farm use;

H. R. 4835. An act to pay tuition of Indian children in public schools;

H. R. 5416. An act to authorize the setting aside of certain tribal lands within the Quinaielt Indian Reservation in Washington for lighthouse purposes; and

H. R. 7913. An act conferring jurisdiction upon the Court of Claims to hear, examine, adjudicate, and enter judgment in any claims which the Creek Indians may have against the United States, and for other purposes; to the Committee on Indian Affairs.

H. R. 2665. An act granting the consent of Congress to the city of Chicago to construct a bridge across the Calumet River in the vicinity of One hundred and thirty-fourth Street, in the city of Chicago, county of Cook, State of Illinois;

H. R. 6810. An act granting the consent of Congress to the Millersburg & Liverpool Bridge Corporation, and its successors, to construct a bridge across the Susquehanna River at Millersburg, Pa.;

H. R. 7063. An act granting the consent of Congress to the State of Illinois and the State of Iowa, or either of them, to construct a bridge across the Mississippi River, connecting the county of Carroll, Ill., and the county of Jackson, Iowa; and

H. R. 7846. An act to extend the time for the construction of a bridge across the North Branch of the Susquehanna River from the city of Wilkes-Barre to the borough of Dorranceton, Pa.; to the Committee on Commerce.

H. R. 2713. An act to transfer certain lands of the United States from the Rocky Mountain National Park to the Colorado National Forest, Colo.;

H. R. 2882. An act to provide the reservation of certain land in Utah as a school site for Ute Indians;

H. R. 2884. An act providing for the reservation of certain lands in Utah for certain bands of Paiute Indians;

H. R. 3511. An act to extend relief to the claimants in township 16 north, ranges 32 and 33 east, Montana meridian, Mont.;

H. R. 4494. An act authorizing extensions of time for the payment of purchase money due under certain homestead entries and Government-land purchases within the Fort Berthold Indian Reservation, N. Dak.; and

H. R. 5573. An act granting certain public lands to the city of Shreveport, La., for reservoir purposes; to the Committee on Public Lands and Surveys.

H. R. 162. An act to amend the act establishing the eastern judicial district of Oklahoma, to establish a term of the United States District Court for the Eastern Judicial District of Oklahoma at Pauls Valley, Okla.;

H. R. 644. An act providing for the holding of the United States district and circuit courts at Poteau, Okla.;

H. R. 714. An act to amend section 101 of the Judicial Code;

H. R. 4445. An act to amend section 115 of the act of March 3, 1911, entitled, "An act to codify, revise, and amend the laws relating to the judiciary";

H. R. 7399. An act to amend section 4 of the act entitled, "An act to incorporate the National Society of the Sons of the American Revolution," approved June 9, 1906; and

H. R. 8050. An act to detach Reagan County, in the State of Texas, from the El Paso division of the western judicial district of Texas and attach said county to the San Angelo division of the northern judicial district of said State; to the Committee on the Judiciary.

H. R. 4981. An act to authorize the Secretary of War to grant permission to the city of Philadelphia, Pa., to widen Haines Street in front of the national cemetery, Philadelphia, Pa.; and

H. J. Res. 163. Joint resolution authorizing the Secretary of War to loan certain tents, cots, chairs, etc., to the executive committee of the United Confederate Veterans for use at the thirty-fourth annual reunion to be held at Memphis, Tenn., in June, 1924; to the Committee on Military Affairs.

H. J. Res. 195. Joint resolution authorizing an appropriation for the participation of the United States in two international conferences for the control of the traffic in habit-forming narcotic drugs; to the Committee on Foreign Relations.

APPELLATE JURISDICTION OF FEDERAL COURTS

The PRESIDENT pro tempore. The senior Senator from Iowa asks unanimous consent to present a report from the Committee on the Judiciary.

I report back with an amendment the bill (S. 2060) to amend the Judicial Code further to define the jurisdiction of the circuit courts of appeals and of the Supreme Court, and for other purposes, and I submit a report (No. 362) thereon.

I ask that the report of the subcommittee to the Judiciary Committee be printed in the RECORD. Is there objection? The Chair hears none, and it is so ordered. The bill will be placed on the calendar.

The report of the subcommittee is as follows:

APPELLATE JURISDICTION OF FEDERAL COURTS

[Report of the subcommittee composed of Senators CUMMINS, chairman, and SPENCER and OVERMAN on S. 2060.]

To the Judiciary Committee of the Senate:

The subcommittee appointed to consider Senate bill 2060 begs leave to report as follows:

This bill has for its chief purpose the revision of the law relating to the appellate jurisdiction of the Supreme Court of the United States and the circuit courts of appeal. There are some minor amendments to other jurisdictional statutes to which reference will be made during the course of the report.

The bill was prepared by a committee of the members of the Supreme Court after a long and careful study of the subject, at the suggestion of the American Bar Association, and has the approval of every member of that court. This committee also prepared a detailed analysis of the existing law creating the appellate jurisdiction of the Supreme Court and the circuit courts of appeal, referring with particularity to the statutes and pointing out the proposed amendments. This analysis is printed in the hearings upon the bill, pages 6 to 20. That committee also prepared a general review and comment upon the subject which is also printed in the hearing, pages 20 to 24.

In view of the foregoing, your subcommittee invited Justices Van Devanter, McReynolds, and Sutherland to appear before your subcommittee for the purpose of explaining orally the bill, so that an opportunity might be afforded for any question that it might seem desirable to propound. The invitation was accepted, and the statements of these justices were reduced to writing and will be found on pages 25 to 48 of the hearings.

Your subcommittee also invited Mr. Thomas W. Shelton, an eminent lawyer of Norfolk, Va., to give us an expression of his views upon the bill. Mr. Shelton is now and has been for many years chairman of the committee on uniformity of judicial procedure of the American Bar Association, and his statements with respect to this bill will be found on page 63 of the hearings.

It may be said at this point that the same subcommittee considered at the same time Senate bill 2061, which covers a related subject, namely, the proposal to confer upon the Supreme Court the authority

to make rules for pleading, practice, and procedure in common-law actions in the district courts of the United States. Justice Sutherland and Mr. Shelton devoted themselves mainly to the latter bill, upon which the subcommittee will make a separate report.

Justice Van Devanter and Justice McReynolds gave so clear an exposition of the bill 2060 and the advantages which litigants in the Federal courts could enjoy through its passage that we sincerely hope that every member of the Judiciary Committee and, indeed, every Member of the Senate, will read and study these statements. The subcommittee could not improve upon these discussions of a most important subject, and we would content ourselves with the reference to the hearings already made were it not that we feel that a brief comment may induce some members of the full committee to read the hearings who might otherwise fail to do so.

The appellate jurisdiction of the Supreme Court of the United States is conferred and governed by legislation which began in 1789 and ended with a very recent session of Congress. It is not easy for the ordinary lawyer to ascertain just what the legislation is, and it is exceedingly difficult to understand just what the various statutes mean after they are laboriously discovered. This jurisdiction is not a logical development, for the legislation which creates it has been induced from time to time by circumstances oftentimes temporary in their character and which quickly disappeared. Plainly, the time has come when the whole subject should be reviewed in the light of present conditions and the existing system of Federal courts. Putting aside for the moment the appellate jurisdiction of the Supreme Court over the judgments and decrees of the highest courts of the several States, it will be helpful to have clearly in mind what our Federal system is.

We have one Supreme Court with nine justices. We have 9 circuit courts of appeal with 33 circuit judges. We have 81 district courts in the United States with, at the present time, 122 active district judges. We have one district in Alaska which is divided into four judicial divisions with one Federal judge in each division. We have one district court in Hawaii with two district judges. We have a supreme court for the Territory of Hawaii with three judges. We have one circuit court in Hawaii with five circuits and eight circuit judges. We have a Court of Claims consisting of five judges. We have a Customs Court of Appeals consisting of five judges. We have a Supreme Court of the District of Columbia with six judges. We have a Court of Appeals for the District of Columbia with three judges. We have one district judge for the Virgin Islands, one for the Canal Zone, and a United States District Court for China with one judge. In Porto Rico we have the Supreme Court for Porto Rico with five judges and one district judge. In the Philippines we have the Supreme Court of the Philippines with nine judges. We have no district judge there, and appeals are taken directly to the Supreme Court of the United States.

By many and devious routes some cases from all these tribunals can finally reach the Supreme Court of the United States. It is beyond the power of the human intellect to determine with certainty just what routes these cases must travel to reach with safety the Supreme Court. To this chaos must be added the appeals, writs of error, and writs of certiorari from 48 State tribunals, and it puzzles the brain of the most skillful lawyer to determine whether his case must go from the State tribunals to the Supreme Court by writ of error, appeal, or certiorari. There is no civilized country in the world where the path to justice is so hard to find, so long from its beginning to its end, and so expensive to travel as in the United States.

With these preliminary observations and with the obvious remark that this bill is not intended to reform the entire judicial procedure of the country, we proceed to indicate just what this bill does so far as the appellate jurisdiction of the Supreme Court is concerned. It removes all obligatory jurisdiction over the judgments and decress to the circuit courts of appeals. Cases from these courts can only reach the Supreme Court by petition for the writ of certiorari or by certificate, as now provided, the field for both being somewhat enlarged. The central thought is this, that litigants have first a trial in the district court and then by appeal or writ of error a trial in the circuit court of appeals—a court that ranks as high or higher than the supreme tribunals of the States. It is our belief that here ordinary litigation should end and that the cases should not go to the Supreme Court of the United States unless the questions involved are of grave public concern or unless serious uncertainty attends the decision of the circuit court of appeals by reason of conflict in the rulings of these courts or the courts of the States. It is believed that the right of the circuit courts to certify questions to the Supreme Court and the right to file a petition for certiorari will furnish ample opportunity for all cases to go from the circuit court of appeals to the Supreme Court which ought to be heard by the latter tribunal.

With respect to the jurisdiction of the Supreme Court over decisions of the courts of last resort in the States, it may be said that the jurisdiction of the Supreme Court is obligatory in all cases where is drawn in question the validity of a statute or treaty of the United States and where the decision is against the validity and in all cases where is drawn in question the validity of a State statute on the ground of its being in conflict with the Constitution of the United States and in which the decision is in favor of its validity. All the cases which involve other Federal questions must, of course, be brought to the Supreme Court by writ of certiorari. As is well known, there are certain cases which, under the present law, may be taken directly from the district court to the Supreme Court. Without entering into a description of these four classes of cases, it is sufficient to say that under the existing law these are cases which must be heard by three judges, one of whom is a circuit judge. The bill does not change the jurisdiction of the Supreme Court in such cases.

With respect to the Court of Claims, it is given the right to certify questions of law precisely as a circuit court of appeals may certify such questions. In all other cases the appellate jurisdiction of the Supreme Court must be invoked by certiorari.

With respect to reviews of decisions of the Court of Customs Appeals the bill makes no change in the present law.

With respect to the Court of Appeals of the District of Columbia, it is enough to say that the bill provides that the appellate jurisdiction of the Supreme Court is invoked in precisely the same way as it is invoked in the review of the judgments and decisions of the circuit courts of appeal.

No substantial change is made with regard to the review of the decisions of the Supreme Court of the Philippine Islands.

With respect to the decisions of the district courts in Porto Rico, Hawaii, Alaska, the Virgin Islands, the Canal Zone, and China it is sufficient to say that their decisions are sent for review to certain circuit courts of appeal, most convenient to litigants, and they reach the Supreme Court, if at all, in the same way as the decisions of other district courts of the United States.

This is substantially the effect of the bill upon the appellate jurisdiction of the Supreme Court. The reasons for this substantial change in the present law must now be briefly considered.

It may be assumed, we think, that no one will urge these modifications of the law on the ground that they will promote the convenience of the courts. They are brought forward solely in the interest of the people whom the courts serve, as a part of the Government. They are intended to make the administration of justice more certain, more uniform, more speedy, and less expensive. Considered from the standpoint of litigants alone, although it is far from true that litigants only are interested in the prompt and efficient administration of justice, this reform ought to be accomplished:

First, because the Supreme Court under the present system can not dispose of the cases brought before it with sufficient promptitude. Disregarding the cases which, under the various statutes, are advanced for argument the ordinary case is not decided for 12 or 14 months after the necessary papers are filed. In very many instances this delay is a denial of justice, and a reference to the statement of Justice Van Devanter, together with the tables which he presented, will show conclusively that a large number of cases which fall within the obligatory jurisdiction of the court are taken there simply for delay. That is to say, to prevent during that long period the execution of the judgment or decree to reverse which the appeal or writ of error is prosecuted.

Again, many worthy cases fail because of the uncertainty which attends the proper mode of reaching the Supreme Court. The method of invoking judicial relief should be made just as plain as the English language can make it. Every failure to pursue the right path which results in a refusal to consider the real point or points in controversy tends to destroy the confidence of the people in their judicial tribunals. There never was a time when directness of expression was more important than at the present moment.

The revision of the existing law relating to the appellate jurisdiction of the circuit courts of appeal will be found in the amendments proposed to sections 128 and 129 of the Judicial Code, pages 1, 2, 3, 4, and 5 of the bill. It is not thought necessary to review these amendments because it is not believed that there will be any controversy about them.

Section 12 of the bill presents a distinct subject relating to the jurisdiction of the district courts of the United States. It is an enlargement of that provision of the existing law which declares that no district court shall have jurisdiction over suits brought by or against a railway corporation solely because it was incorporated by or under an act of Congress. It is believed that this section should be somewhat restricted, and your subcommittee proposes the following amendment:

Add to the section—

> "*Provided*, That this section shall not apply to any suit, action, or proceeding brought by or against a corporation incorporated by or under an act of Congress wherein the Government of the United States is the owner of more than one-half its capital stock."

EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 5 minutes spent in executive session the doors were reopened and the Senate (at 5 o'clock and 15 minutes p. m.) took a recess until to-morrow, Wednesday, April 9, 1924, at 12 o'clock meridian.

CONFIRMATIONS

Executive nominations confirmed by the Senate April 8 (legislative day of April 7), 1924

COAST AND GEODETIC SURVEY

Jerry Hall Service to be aid.

PROMOTIONS IN THE ARMY

Warren Webster Whitside to be colonel, Quartermaster Corps.

Nelson Empy Margetts to be lieutenant colonel, Field Artillery.

Albert Whitney Waldron to be major, Field Artillery.

Parley Doney Parkinson to be major, Infantry.

William Giroud Burt to be captain, Infantry.

Marshall Joseph Noyes to be captain, Corps of Engineers.

Charles Manly Walton to be captain, Infantry.

Samuel Lyman Damon to be captain, Corps of Engineers.

Guy Lafayette Hartman to be captain, Infantry.

Thomas Thomas to be captain, Infantry.

Harry Nelson Burkhalter to be captain, Infantry.

Charles Maine Wolff to be first lieutenant, Coast Artillery Corps.

Simon Foss to be first lieutenant, Infantry.

Davis Ward Hale to be first lieutenant, Cavalry.

Edward Melvin Starr to be first lieutenant, Infantry.

Joseph Sladen Bradley to be first lieutenant, Infantry.

Arthur Launcelot Moore to be first lieutenant, Infantry.

Robert William Crichlow, jr., to be first lieutenant, Coast Artillery Corps.

Martin Anthony Fennell to be first lieutenant, Cavalry.

Ralph Harris Bassett to be first lieutenant, Infantry.

John Mitchell Willis to be major, Medical Corps.

Allen Chamberlain Wight to be captain, Veterinary Corps.

Elwood Luke Nye to be captain, Veterinary Corps.

Carroll Tye to be first lieutenant, Cavalry.

Donald Frederic Carroll to be first lieutenant, Field Artillery.

POSTMASTERS

CALIFORNIA

Lola P. Neff, Biggs.
Thomas J. Wylie, Cedarville.
Craigie S. Sharp, Crannell.
James Gillies, Napa.
Anna McMichael, San Juan Bautista.

MICHIGAN

Charles J. McCauley, Wells.

NEVADA

Dora E. Rice, Sparks.

NEW MEXICO

Henry W. Wallace, Embudo.

PENNSYLVANIA

Jones Eavenson, Christiana.

SOUTH DAKOTA

Clyde C. Asche, Olivet.
Cyrus J. Dickson, Scotland.

VIRGINIA

Connally T. Rush, Abingdon.
Henry G. Norman, Cedar Bluff.
Lucius M. Manry, Courtland.
Waverly S. Barrett, Dendron.
Robert A. Pope, Drewryville.
James S. Castle, Dungannon.
William T. Oakes, Gladys.
Bernard Willing, Irvington.
Richard E. Bristow, Ivor.
David G. Snodgrass, Meadowview.
Dorsey T. Davis, Nathalie.
Margaret Wood, National Soldiers' Home.
Frank H. Forbes, North Tazewell.
J. Richard Peery, Pocahontas.
Amos L. Cannaday, Pulaski.
James O. Dameron, Weems.
French A. Taylor, Westpoint.
Guthrie R. Dunton, Jr., White Stone.

HOUSE OF REPRESENTATIVES

TUESDAY, *April 8, 1924*

The House met at 11 o'clock a. m.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Exercise Thy mercy toward us, our Heavenly Father, as we draw nigh to Thee. Be with us this day and let our extremity be God's opportunity. The Lord magnify Himself in human weakness. Awaken new desires in our hearts and perfect in our characters every great principle. Because of Thy infinite love and compassion bless us with cleansing and with forgiveness. Whatever there is in our country that stains its character, whatever there is that puts its greatness in peril, let these be defeated. And, O Lord, whatever there is that qualifies public contentment, peace, happiness, and prosperity, let these remain, we beseech Thee, for Thy glory and for our good. Amen.

The Journal of the proceedings of yesterday was read and approved.

REREFERENCE

The SPEAKER. The bill granting to the State of Utah the Fort Duchesne Reservation for its use as a branch agricultural college was referred by the Chair to the Committee on Military Affairs. Both the chairman of the Military Affairs Committee and the chairman of the Public Lands Committee agree that the bill should go to the Committee on Public Lands. Without objection, the Chair will so refer it.

There was no objection.

IMMIGRATION

Mr. JOHNSON of Washington. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 7995) to limit the immigration of aliens into the United States, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the immigration bill, with Mr. SANDERS of Indiana in the chair.

The Clerk reported the title of the bill.

Mr. JOHNSON of Washington. Mr. Chairman, I would like to inquire as to how the time stands.

The CHAIRMAN. The gentleman from Washington has consumed 50 minutes and has yielded 45 minutes to the gentleman from California [Mr. RAKER], making a total of 1 hour and 35 minutes; the gentleman from Illinois [Mr. SABATH] has used 1 hour and 18½ minutes, a total time of 2 hours and 53½ minutes.

Mr. JOHNSON of Washington. Will the gentleman from Illinois [Mr. SABATH] use some time now?

Mr. SABATH. If I am not mistaken, the gentleman from Oklahoma [Mr. HASTINGS] desires to proceed.

Mr. HASTINGS. The gentleman from Washington will remember that time was yielded to me on Saturday by the gentleman from California [Mr. RAKER]. The gentleman from California, however, is not present.

Mr. JOHNSON of Washington. I think it would be all right for the gentleman from Oklahoma to proceed.

The CHAIRMAN. The Chair will recognize the gentleman from Oklahoma for five minutes.

Mr. HASTINGS. Mr. Chairman, I understand that we have general permission to revise and extend our remarks in the RECORD upon this bill. Am I correct?

The CHAIRMAN. The gentleman has that right.

Mr. HASTINGS. Mr. Chairman, the question of immigration is one of intense interest throughout the entire country. I believe that the people generally are better informed upon this question than upon any other subject which will come before Congress for consideration during the present session.

The World War aroused an interest in the study of foreign questions, and during the past few years the question of immigration has been the subject of debate in the schools throughout the country. It has been discussed from the pulpit, through the press, in civic bodies, labor organizations, Legion posts, and has been the subject of individual investigations, so that the people have more information upon the subject and are better prepared to express themselves upon it than perhaps any other public question.